

SAN JUAN COUNTY, COLORADO
BOARD OF COMMISSIONERS MEETING AGENDA
July 12, 2023

CALL TO ORDER: 6:30 P.M.

OLD BUSINESS:

Consider Bills and Authorize Warrants
BOCC Regular Meeting Minutes for June 28, 2023

APPOINTMENTS:

6:35 P.M. - Public Hearing Improvement Permit Application: Sketch Plan submitted by David Cole-Mineral King Lode to construct a single-family dwelling. The site will be accessed from CR 35 in Prospect Gulch
7:30 P.M. - Public Hearing: Amendment to Chapter 10 Floodplain Hazard Areas of the Zoning and Land Use Regulations.
7:45 P.M. - Klem Branner - Silverton Singletrack Society
8:00 P.M. - David Singer – Engineering Agreement for Hospital Building Heating System
Other

CORRESPONDENCE:

Bonita Peak Mining District Update
Proposition HH

NEW BUSINESS:

GOCO Grant Application for Silverton Singletrack
Bighorn Consulting Engineers Agreement
AAA Snow Shoveling Agreement
Assessor's Report
Treasurer's Semi-Annual Report
Treasurer's Report
Set Date for Board of Equalization Hearings
Public Comment
Commissioner and Staff Reports

OTHER:

ADJOURN: Next Regular Meeting – 6:30 PM, Wednesday July 26, 2023

Join Zoom Meeting

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

Meeting ID: 921 3647 3203

By Telephone: Dial 669-900-6833 and enter the Webinar ID 92136473203 when prompted

You Tube (live and recorded for later viewing, does not support public comment):

<https://www.youtube.com/@sanjuancountycoloradostreams>

SAN JUAN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING WEDNESDAY, June 28, 2023
AT 6:30 P.M.

Call to Order: The meeting was called to order by Chairman Austin Lashley. Present were Commissioners Scott Fetchenhier and Pete Maisel, County Attorney Dennis Golbricht and Administrator William Tookey.

Minutes: Commissioner Fetchenhier moved to approve the minutes of June 14, 2023. Commissioner Maisel seconded the motion. The motion passed unanimously.

Steve Pendleton was present to discuss SB 108 and Proposition HH and the potential impact they could have on property tax.

A draft of Ordinance 2023-01 Requiring A Permit For Certain County Road Use Including Certain Repetitive Commercial Use, Overweight, Oversize And Special Transport was presented to the Commissioners for their review. It was the consensus of the Commissioners to proceed with developing a permit system to regulate overweight and oversize use of the County Roads.

Resolution 2023-07 Conducting Meetings by Hybrid Means was presented to the Commissioners for their consideration. Commissioner Fetchenhier moved to adopt Resolution 2023-07 as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

A sales agreement with Wagner Cat to purchase a water truck in the amount of \$173,285 was presented to the Commissioners for their consideration. Commissioner Fetchenhier moved to approve the agreement as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

The Commissioners received a letter from Hilary Cable concerning the lack of drainage around her house in Anvil Mountain. It was the consensus of the Commissioners to see if the Road Department could improve the drainage.

Having no further business, the meeting adjourned at 8:40 P.M.

Austin Lashley, Chairman

Ladonna L. Jaramillo, County Clerk

MEMORANDUM

July 12, 2023

TO: Board of County Commissioners

FR: William A. Tookey

RE: Mineral King MS 2051 Improvement Permit Sketch Plan

Feeney Architect has submitted an Improvement Permit application on behalf of David Cole, Mineral King LLC for the development of a 1000 sf cabin and associated utility improvements on the Mineral King MS 2051. The property is located in Prospect Gulch and will be accessed by Country Road 35.

The property is currently owned by David Cole, Mineral King LLC and the taxes are current.

The application fees have been paid.

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

The San Juan Regional Planning Commission reviewed this application during their regular meeting of June 20th. It was the unanimous decision of the Planning Commission to recommend approval of the Sketch Plan Application for the development of 1000 sq. ft. cabin and associated utility improvements on the Mineral King Lode with the conditions as presented by staff.

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. Mineral King is 10.14 acres. The proposed cabin would exceed the setback requirements.

The elevation of the cabin is 11,200 ft. Because the elevation is above 11,000 ft. the maximum square footage allowed for the cabin is 1,000 sf and a maximum of 200 sf for the shed.

Residential development of any sort within the alpine tundra ecosystem is prohibited.

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 deliver potable water to be stored in a 2000-gallon on-site cistern.

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

The applicant plans on installing a septic system. Trautner GeoTech has completed 3 test holes on site.

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

The proposed improvements should have minimal impact on the adjoining properties. Adjoining property owners have been notified and at this time the only comment that I have received was that the County not allow CR 35 to be gated as they have property beyond the Mineral King and they want to make sure they continue to have access to it.

- 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?

The applicant has included a scenic quality report. It appears that the cabin has been located to minimize the visual impact.

1. **There are historic structures on site. The improvements are located so that they will not impact any historic structure. A historic review of the site would be required prior to development of the property. The applicant may need to document all structures and artifacts on site and develop a plan to prevent them from being disturbed or destroyed during construction.**

The improvements should create minimal adverse impacts upon wildlife. All solid waste, garbage and refuse must be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is properly disposed of at the Transfer station. The applicant plans on constructing a 173 SF storage shed in which solid waste would be secured.

It appears that the property is near the edge of tree line. Most of the ground in the area has been previously disturbed for mining activities. If it appears that any of the development would occur on alpine tundra the applicant may need to provide an expert determination.

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

The applicant will access the property via CR 35.

- 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 is located in an avalanche hazard area. An Avalanche Hazard Assessment was prepared by Wilbur Engineering, Inc and is included in the application. The building site would be located within the area identified as the yellow zone. The yellow zone is considered a low avalanche hazard zone. While it appears that the cabin could be designed and constructed to mitigate any avalanche danger the ingress and egress of the occupants could still be at risk. Access to the site would require crossing avalanche paths that could put emergency responders at risk.

The County Geohazards Map identifies that the cabin will be built on a talus slope. Trautner Geotech has provided an initial review of the property and would complete a full geotechnical engineering study prior to development.

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

I will need to do a site visit to identify any historic public trails that may cross the property. If any trails are identified they will need to be added to the certified survey plat.

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

The applicant will be required to be placed on the Town's utility billing system for water and refuse.

The Mineral King Lode has had remediation work done on site and is subject to the requirements of 2020-01 Environmental Remediation. The Application has been submitted to CDPHE and to the BLM for their review and comments. It appears that the proposed development would not disturb any previously remediated property.

The Commissioners have the option to approve the sketch plan as submitted, deny, or approve with condition.

Should the Planning Commission choose to recommend approval, they should do so with the following conditions prior to the issuance of a land use permit:

- 1 That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Mineral King shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.
3. The Historic Review Committee visits the site prior to the Preliminary/Final review.
4. The applicant documents all structures and artifacts on site and develops a plan to prevent them from being disturbed or destroyed during construction.
5. The Mineral King has had remediation work done on the property and is subject to the requirements of Ordinance 2020-01.
6. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.

7. That a cumulative impact report be completed prior to the Preliminary/Final review.
8. That the applicant be placed on the Town of Silverton's Utility billing system for water and refuse.
9. If necessary, the applicant shall provide an expert determination that the building site is located outside of an Alpine Tundra Ecosystem.
10. The failure to comply with these conditions shall be grounds for the revocation of this Land Use Permit.
11. Any other conditions that the Board of County Commissioners deems necessary.

If the Commissioners choose to deny the sketch plan they could do so because of avalanche safety concerns and visual impact.

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

June 20, 2023

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission:

RE: Amend Zoning and Land Use Regulations
 Amend Chapter 10 Floodplain Impact
 Analysis of the San Juan County Zoning and
 Land Use Regulations

At a regular meeting of the San Juan Regional Planning Commission on June 20, 2023, members of that Commission discussed Amending Chapter 10 Floodplain Impact Analysis of the San Juan County Zoning and Land Use Regulations.

After discussion the members made a motion to recommend to the San Juan County Commissioners adopt the changes to Chapter 10 of the Zoning and Land Use Regulations as submitted.

Thank you for considering this recommendation.

Sincerely,
Jim Weller, Chairman
and the Planning Commission Members



SAN JUAN COUNTY COLORADO

1557 GREENE STREET

P.O. BOX 466

SILVERTON, COLORADO 81433

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

June 6, 2023

To Whom It May Concern:

This letter is to inform you that David Cole has submitted an Improvement Permit Application to construct a single-family cabin with associated utility improvements on the Mineral King MS 2051 located in Prospect Gulch off County Road 35.

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 20, 2023.

It is further anticipated that the application will be reviewed by the County Commissioners during their regular meeting of July 12, 2023.

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

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

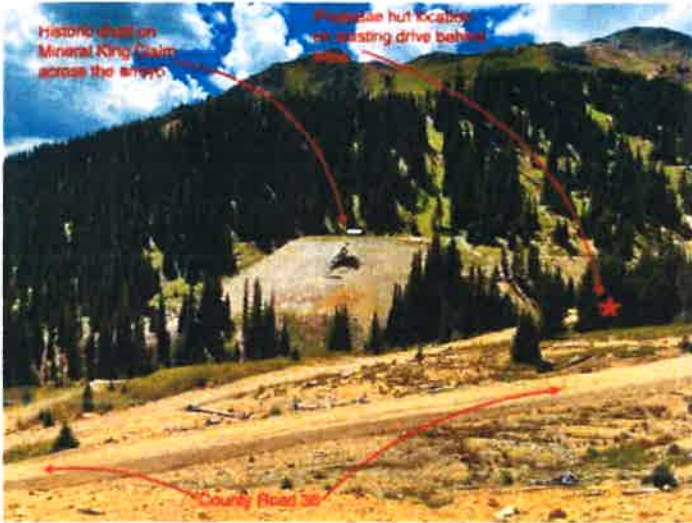
Sincerely,

William A. Fooky
Land Use Administrator

Application for Improvement Permit

Sketch Plan Submittal

COLE CABIN



TBD County Road 35

Prospect Gulch

Mineral King Lode USMS No. 2051

San Juan County, Colorado

Applicant:

David Cole

Prepared By: FeeneyArchitect,

1201 Main Avenue #201

Durango, Colorado 81301 (970) 749-6787

FeeneyArchitect

May 30, 2023

San Juan County Planning Commission

Attn: County Administrator, Willy Tookey
1557 Greene Street
Silverton, Colorado 81433

Re: Application for Improvement Permit – Sketch Plan Review Cole Cabin on the Mineral King
Lode USMS No. 2051 County Road 35, Prospect Gulch, San Juan County, CO.

Willy and Commissioners:

Please see the attached for our submittal to describe the proposed improvements on the
Mineral King Lode USMS No. 2051 owned by David Cole.

The attached documents have been prepared for a San Juan County Application for
Improvement Permit as a “Sketch Plan Review”. The Applicant requests review of this project
by the Planning Commission at their upcoming meeting, and to consider approval.

The proposed improvements consist of a 1000 SF cabin and associated utility improvements, all
of which can be accessed by an existing driveway off County Road 35.

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

C. Richard Feeney, AIA, NCARB, LEED AP+

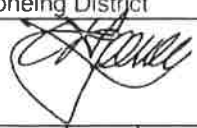
rick@FeeneyArchitect.com

FeeneyArchitect
1201 Main Avenue #201
Durango, Colorado 81301
Cell: 970-749-6787

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5. Project Narrative
6. Project Plans
 - a. Vicinity Map
 - b. Sketch Plan with County Avalanche Map
 - c. Sketch Plan with County Geohazards Map
 - d. Site Plan with Topography/Aerial Image
 - e. Enlarged Site Plan
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 - g. Draft Building Elevations
7. Letter of Feasibility for Septic Design
 - a. San Juan Basin Public Health Septic Permit Application
8. Avalanche Hazard Assessment & Mapping
9. Geotechnical Report
10. Scenic Quality Report

San Juan County, Colorado
Application for Improvement Permit

		Name		Address		Phone		APPROVAL CHECKLIST		Initial		Date	
Applicant		C. Richard Feeney		1201 Main Avenue #201		970-749-6787		Land Use Administrator					
				Durango, Colorado 81301				Ownership of Surface					
								Ownership of Minerals					
Owner		Mineral King LLC		4610 Homestead St		303.973.8585		Vicinity Map					
				Bow Mar, CO 80123				Certified Survey Plat					
								Monumentation					
Contractor		Brian Davis, 9318 Contracting, Inc		Silverton, CO		970-799-4375		Basic Plan Map					
								Plans and Drawings					
								Road System Relationship					
Legal Description of Property:								Zoning Compatibility					
Mineral King MS 2051 mineral claim San Juan County, Colorado								State Mining Permit					
								Owner Notification					
								Avalanche Hazard					
								Geologic Hazard					
								Floodplain Hazard					
								Wildfire Hazard					
								Mineral Resource Impact					
Township N, Range W, Section								Wildlife Impact					
Nature of Improvement Planned:								Historic Site Impact					
Single family cabin with associated utility improvements.								Watershed Gearance					
County Building Inspector								Building Permit					
State Electrical Inspector													
Land Use Zone: Mountain Zoneing District								Electrical Permit					
Applicant Signature 								San Juan Basin Health Unit					
								Sewage Disposal: Test					
								Design					
Date Application Requested								Central Sewage Collection					
Date Submitted for Permit								State Division of Water Resources					
Date Permit Issued								Adequate Water Source					
Date Permit Denied								Well Permit					
Reason for Denial								Central Water Distribution					
								U.S. Forest Service/BLM					
								Access Approval					
								State Division of Highways					
Receipt								Driveway Permit					
FEE PAYMENT													
Amount													
Date													
Application													
Building Permit													
Subdivision/PUD								Subdivision Variance					
Hearing Notice								Subdivision Approval					
								PUD Approval					

SAN JUAN COUNTY, COLORADO
DRIVEWAY AND ROAD ACCESS PERMIT

Improvement
Permit No. _____

Applicant: Mineral King LLC 303.973.8585
4610 Homestead St
Bow Mar, CO 80123

Location of Proposed Driveway or Access on County Road No. 35:

County Road 35 runs through the property. The proposed driveway will start on the south side of County Road 35 and run south towards the proposed cabin. It is on a current roadway cut.

Description of Proposed Driveway or Access, including materials to be used:

The driveway is on an existing roadway cut. It will be 10' wide with native gravel surfacing. Culverts and other drainage elements will be installed as needed.

Comment and Recommendations of County Road Supervisor:

Terms and Conditions of Issuance of Permit (or reason for denial):

Permit Approved _____ or Denied _____.

Date: _____

Land Use Administrator: _____

BOARD OF COUNTY COMMISSIONERS

San Juan County

P.O. Box 466

Silverton, Colorado 81433

970-387-5671

RELATIONSHIP OF PROPERTY TO COUNTY ROAD AND STATE HIGHWAY SYSTEMS

I, the undersigned, applicant engaged in the processing of Application for Improvement Permit No. _____, San Juan County, Colorado, do hereby acknowledge the following facts:

1. The real property' which is the subject of said application is on this date located approximately 115 ft from County Road No. 35, the nearest designated and publicly maintained county road.
2. Said County Road No. 35 is on this date maintained on an seasonal basis by San Juan County.
3. The real property which is the subject of said application is on this date located approximately 8 miles from Colorado State Highway No. 550, the nearest designated state or federal highway.
4. Said Colorado State Highway No. 550 is on this date maintained on a year-round basis by either San Juan County or the Colorado Division of Highways.
5. A Driveway Permit will be necessary for any private access or egress relating to said real property which intersects any designated Colorado State Highway or Federal Highway.

Signed and dated this _____ day of _____, _____.

ATTEST:

Applicant

Position:

State Documentary Fee
\$5.90 09-07-2021

153827
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SAN JUAN COUNTY, COLORADO
LADONNA L. JARAMILLO, RECORDER
09-07-2021 08:43 AM Recording Fee \$18.00
State Documentary Fee

WARRANTY DEED

Date: September 3, 2021

THIS DEED, Made this 3rd Day of September, 2021

\$ 5.90

Between **BLUE BIRD MINING & MILLING COMPANY, INC., A COLORADO CORPORATION**

of the County of Douglas and State of Colorado, grantor

and **MINERAL KING LLC, A COLORADO LIMITED LIABILITY COMPANY**

whose legal address is 4610 Homestead
Bow Mar, CO 80123

of the County of Jefferson and State of Colorado, grantee

WITNESSETH, That the grantor for and in consideration of the sum of
----- **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** -----
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together
with improvements, if any, situate lying and being in the County of San Juan and State of Colorado described as follows

SEE ATTACHED EXHIBIT "A"

As known by street and number as: TBD County Road 35
Silverton, CO 81433

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining,
and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate right,
title interest, claim and demand whatsoever of the grantor either in law or equity of in and to the above bargained premises,
with the hereditaments and appurtenances

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
grantee, their heirs and assigns forever. The grantor, itself, its successors, does covenant, grant, bargain, and agree to and with
the grantee, their heirs and assigns, that at the time of the enclosing and delivery of these presents, he is well seized of the
premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has
good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and
that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and
restrictions of whatever kind or nature so ever, except 2021 taxes due and payable in the year 2022. Subject to
Statutory Exceptions as defined in CRS § 38-30-113(5)

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable
possession of the grantee, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any
part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable
to all genders

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above

BLUE BIRD MINING & MILLING COMPANY, INC., A COLORADO CORPORATION

BY: Mildred Moodie
MILDRED MOODIE, PRESIDENT

STATE OF ~~COLORADO~~ OKLAHOMA
COUNTY OF ~~DOUGLAS~~ OKLAHOMA



The foregoing instrument was acknowledged before me this 2 Day of September, 2021

By: **MILDRED MOODIE, PRESIDENT OF BLUE BIRD MINING & MILLING COMPANY, INC., A COLORADO CORPORATION**

My commission expires:

Witness my hand and official seal



Loana Ferrell
Notary Public

EXHIBIT "A"

The LIZZIE LODE, Lode Mining Claim, U. S. Mineral Survey No. 15520A, Red Mountain Mining District, San Juan County, Colorado.

and

The HENRIETTA LODE, Lode Mining Claim, U. S. Mineral Survey No. 15526A, Red Mountain Mining District, San Juan County, Colorado.

and

The PROSPERITY LODE, Lode Mining Claim, U. S. Mineral Survey No. 18621, Red Mountain Mining District, San Juan County, Colorado.

and

The LA CROSS, Lode Mining Claim, U. S. Mineral Survey No. 18620, Red Mountain Mining District, San Juan County, Colorado.

LESS AND EXCEPT any portion of the above named mining claims, within overlapping senior mining claims whether excepted or not in the patents for the above described LIZZIE, HENRIETTA, PROSPERITY AND LA CROSS Lode Mining Claims.

State Documentary Fee
\$250 01-06-2021

153282
Page 1 of 1
SAN JUAN COUNTY, COLORADO
LADONNA L. JARAMILLO, RECORDER
01-06-2021 08:04 AM Recording Fee \$13.00

WARRANTY DEED

THIS DEED, Made this 4th Day of January, 2021

State Documentary Fee

between **BOY MINING COMPANY, A PARTNERSHIP**

Date: 1/5/2021

of the County of La Plata and State of Colorado, grantor

\$ 250

and **MINERAL KING LLC, A COLORADO LIMITED LIABILITY COMPANY**

whose legal address is 1610 POMESTEAD
New Market, MD 20713

of the County of Jefferson and State of Colorado, grantee

WITNESSETH, That the grantor for and in consideration of the sum of
- - - - - **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** - - - - -
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm, unto the grantee, its successors and assigns forever, all the real property together
with improvements, if any, situate, lying and being in the County of San Juan and State of Colorado described as follows:

**The MINERAL KING Lode Mining Claim, U. S. Mineral Survey No. 2061, Eureka Mining District,
San Juan County, Colorado.**

**LESS AND EXCEPT any portion of the above named mining claim, within overlapping senior
mining claims whether excepted or not in the patent for the above described Mineral King Lode
Mining Claim.**

As known by street and number as:

TOGETHER with all and singular the hereinaunts and appurtenances thereto belonging, or in anywise appertaining
with the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right,
title, interest, claim and demand whatsoever of the grantor either in law or equity, of, in and to the above bargained premises,
with the hereinaunts and appurtenances:

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
grantee, its successors and assigns forever. The grantor, itself, its successors, does covenant, grant, bargain, and agree to and
with the grantee, its successors and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of
the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and
has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid,
and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances
and restrictions of whatever kind or nature so ever, except 2021 taxes due and payable in the year 2022. Subject
to Statutory Exceptions as defined in CRS § 38-30-113(5).

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable
possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any
part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable
to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

BOY MINING COMPANY, A PARTNERSHIP

BY **JEROME L. SAFIR, PARTNER**

BY: **GIL N. MOSER, PARTNER**

The foregoing instrument was acknowledged before me this 5th Day of January, 2021

By: **JEROME L. SAFIR AND GIL N. MOSER, AS PARTNERS OF BOY MINING COMPANY, A
PARTNERSHIP**

Notary Public for the State of Colorado

9/10/2024

DEBORAH V. ROYBAL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 18924011938
MY COMMISSION EXPIRES 09/10/2024

Witness my hand and official seal this 5th day of January, 2021

Deborah V. Roybal
Notary Public



WARRANTY DEED

ST 2200509 E

**Statement of Authority
(Section 38-30-172, C.R.S.)**

- 1 This Statement of Authority relates to an entity named
MINERAL KING LLC, A COLORADO LIMITED LIABILITY COMPANY
- 2 The type of entity is a:
- | | |
|---|---|
| <input type="checkbox"/> corporation | <input type="checkbox"/> registered limited liability partnership |
| <input type="checkbox"/> nonprofit corporation | <input type="checkbox"/> registered limited liability limited partnership |
| <input checked="" type="checkbox"/> limited liability company | <input type="checkbox"/> limited partnership association |
| <input type="checkbox"/> general partnership | <input type="checkbox"/> govt. or governmental subdivision or agency |
| <input type="checkbox"/> limited partnership | <input type="checkbox"/> trust |
| <input type="checkbox"/> business trust | <input type="checkbox"/> unincorporated nonprofit association |
- 3 The entity is formed under the laws of **COLORADO**
- 4 The mailing address of the entity is:
- 4610 HOMESTEAD
BOW MAR, CO 80123**
- 5 The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:
- DAVID M. COLE, SOLE MEMBER**
- 6 The authority of the foregoing person(s) to bind the entity is limited as follows:
N/A
- 7 This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.
- 8 This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

Executed this 4th day of JANUARY, 2021

Signature **DAVID M. COLE**

Signature

STATE OF **COLORADO**
COUNTY OF **Douglas**

The foregoing instrument was acknowledged before me this 4th Day of JANUARY, 2021
By: **DAVID M. COLE**.

My commission expires:

Notary Expiration

July 24, 2022

Witness my hand and official seal

Notary Signature



**STACEY L. JAMES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144029150
MY COMMISSION EXPIRES JULY 24, 2022**

ST22005079E

Project Narrative

Applicant Name and Address:

David Cole
Mineral King LLC
4610 Homestead St.
Bow Mar, CO 80123
303-973-8585

Project Location:

TBD County Road 35- Prospect Gulch
Mineral King MS 2051
San Juan County, Colorado

Legal Description

Mineral King, Lode USMS No. 2051, Township 42 North, Range 7 West, Section 18 of the New Mexico Principal Meridian, Parcel Number: 47750180040009, San Juan County, Colorado.

Proposed Development:

1000 SF cabin, septic system, cistern water system, and associated site and utility improvements.

Zoning:

Mountain Zoning District

Acreage:

10.14 acres

Water Service:

An underground water storage tank with hauled water to the property will be in the crawlspace or buried in close vicinity. Cistern will hold 2000 gallons and will have the required setback from the septic components.

Sewer Service:

The septic system location was selected based on site accessibility and proximity to the chosen cabin site. Trautner GeoTech has completed three test holes and is ready to finish the design once the cabin is approved to proceed. The septic system will maintain a 100-ft minimum clear radius from existing water sources.

Power and Heating:

The primary heat source is proposed to be a wood burning stove, with portable individual electric heating units as supplemental heat. Electric appliances and heating units will be powered by solar power or with the backup generator, depending on circumstances. The solar panels will be located on the cabin roof oriented to the west side of the roof to shield them from view from CR 35. Propane will be hauled to site for cooking.

Phone:

A satellite phone will be on site.

Access from County Roads:

The property is accessed by County Road 35 via County Road 110. The proposed cabin will be accessed by an existing driveway off the south side of County Road 35. The driveway will comply with all comments received by the County Department Supervisor pertaining to required culvert, turning radius, and setbacks. BLM permit will be obtained to use existing access off of CR 35, access is flat (+/-1% grade)

Exterior Lighting:

Exterior lighting will be incorporated near the cabin entrance and patio space for safe egress in, out and around the exterior of the cabin. All exterior lighting will be in conformance with the San Juan County Dark Sky requirements.

Solid Waste Management:

On-site trash will be contained within the always building/shed and within a wildlife/bear-resistant trash receptacle until it is disposed at the Transfer Station for the required fee.

Landscaping:

Revegetation and landscaping screening can be provided by the applicant in accordance with the requirements of San Juan County to preserve the natural appearance of the area and minimize visual impact as seen from County Road 35. The applicant will create a defensible space around the proposed cabin by removal of combustible ground cover and thinning of trees and shrubs near the cabin, as recommended by the Colorado State Forest Service Firewise Practices.

Surveying:

A boundary survey for this lot was prepared by Dirk Hatter of Southwest Land Surveying LLC. A copy of this survey is included with this application.

Subsurface Conditions:

Trautner Geotech made a site visit, dug 3 test pits (8' deep), and provided a letter which is included. Once the application is approved, we will engage Trautner Geotech to complete a full geotechnical engineering evaluation, including subsurface exploration and testing.

Building Envelope and Siting:

The property consists of 10.1 acres of dispersed evergreens with several large clearings and grassy meadows. The claim is situated in a general south to north orientation, straddling the drainage of Prospect Gulch, with County Road 35 crossing at the North end of the Mineral King Claim. The claim has Northern and Southern slopes. The cabin would sit on the southern sloping portion of the claim, below CR 35, behind mature evergreen trees nestled into the slope next to the existing access drive. This location allows for good access from County Road 35 and separates the new cabin from the existing historic miners shed, tipple structure and the completed remediation work at the old mine.

County Avalanche Map:

An Avalanche Hazard Assessment was prepared by Wilbur Engineering, Inc., which includes recommendations for avoiding and reducing exposure to avalanche hazards at the site. According to the findings in the assessment, there are three types of hazard zones on the property: high (red), moderate (blue), low (yellow) and none (white). The proposed building site is within the yellow zone, which is in a low avalanche hazard zone. A copy of this assessment is included with this application. The

cabin foundation design mitigates the avalanche danger with the 45° concrete walls designed to split any avalanche around the cabin, instead of perpendicular to the flow direction which creates much larger forces on the building. We have included a map showing the proposed improvements superimposed on the avalanche report, see Figure 12.

County Geohazards Map:

The Sketch Plan for this project has been overlaid onto the County Geohazards Map, which is included with this application for review. According to the County Geohazards Map, the area where the cabin will be built is talus slopes (ts). A Geotechnical Engineering Overview Report is included in this submittal.

Foundation:

The proposed structure will be relatively lightly loaded. Trautner Geotech typically recommends that conventional spread footings that are placed on soils of this nature be supported by a layer of processed natural soil fill. The processing should include removal of cobbles larger than about 3 inches to a minimum depth of about 8 to 10 inches below the bottom of concrete followed by compaction of the processed material. The support elevation should be consistent with the local building code for protection from frost heave. The processed material should be moisture conditioned and compacted to at least ninety (90) percent of the maximum dry density as defined by the modified Proctor test, ASTM D1557. The ground surface adjacent to the structure should be sloped away from the structure to promote surface water flow away from the foundation system. Trautner Geotech typically recommends a minimum slope of 12 inches in the first 10 feet in unpaved areas.

Trautner Geotech provided a letter (included) discussing their initial findings. Once the application is approved, we will engage Trautner Geotech to complete a full geotechnical engineering evaluation, including subsurface exploration and testing. The proposed foundation for the cabin will follow all excavation and foundation design recommendations outlined by the geotechnical engineer for the specific soils found at the building site.

Elevation at Structure: 11,200'

The proposed cabin is sited within an existing clearing on one of the most buildable and level portions of the lot. The floor elevation of the cabin will be approximately 40 feet lower than the road, with the driveway access to the east as CR 35 rises past the building site.

Cabin Size and Height:

The proposed cabin has a current floor area of 1000 SF with a 173 SF shed. The shed will contain the generator and trash. The cabin will have a 6 1/2:12 sloped gable roof, the ridge also slopes up at 11° to accommodate the loft area, and to follow the topography of the site. The maximum height of the cabin, which is measured from the lowest adjacent native grade up to the peak of the 6 1/2:12 roof, is approximately 24'-0". The tallest Point of the cabin will also be tucked 6' to 8' into the slope minimizing the overall height.

Building Plans:

Preliminary building plans for the proposed cabin are included with this application.

Cabin Style:

The form and material selection must reflect the mountain-contemporary style. The cabin is oriented to the south to maximize passive solar gain.

Building Materials:

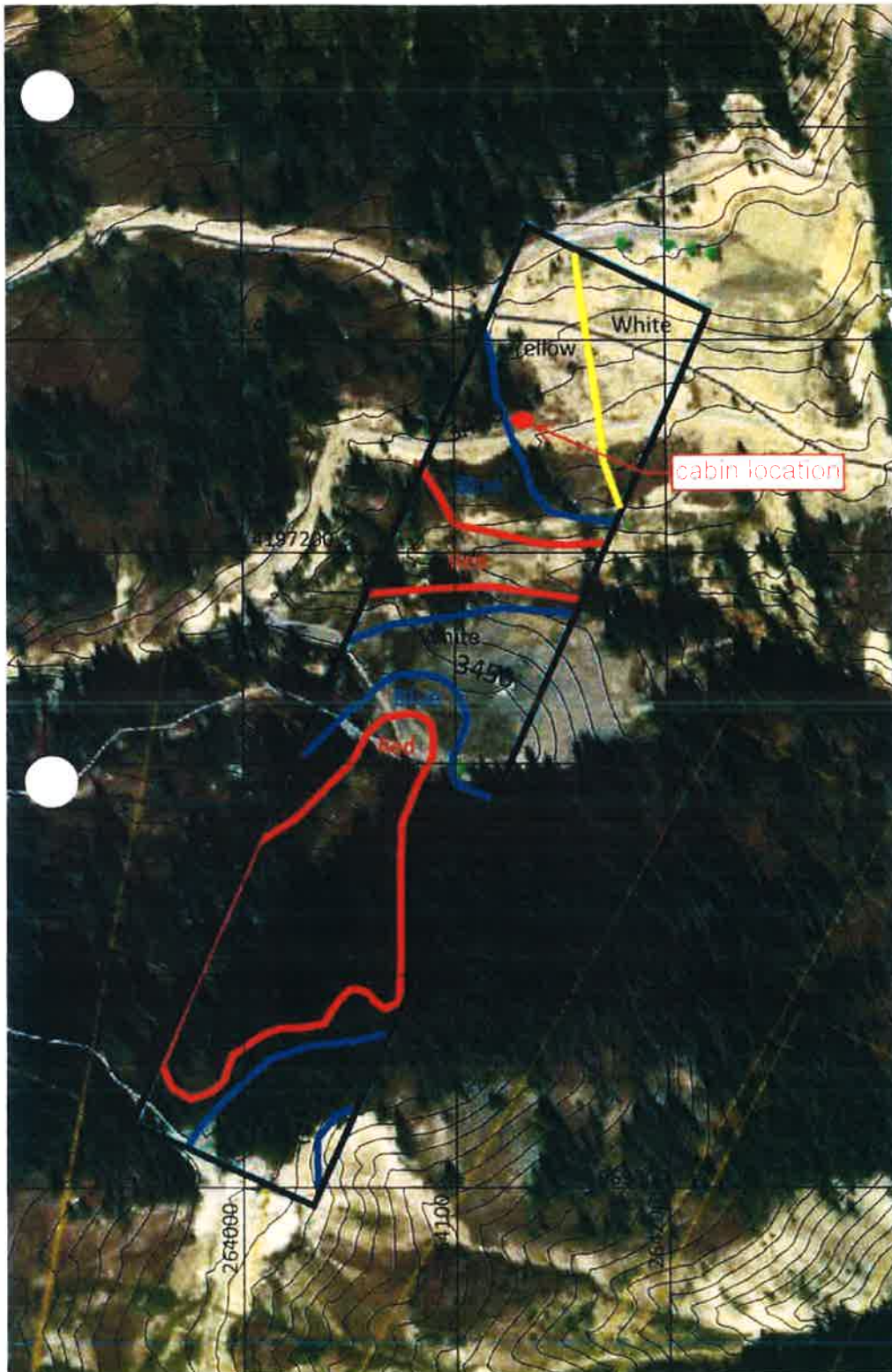
The applicant plans to use colors and materials that embody the local area and mining history. A colorized rendering of the cabin, which shows proposed building materials and design vernacular, is included in the Application packet for your review.

The proposed materials consist of the following:

- Weathered wood siding
- Dark colored rusted metal roof
- Dark colored window sashes/frames to match metal and/or wood siding
- Low-reflective glass on more expansive glazing

Historic Structures:

The location of the cabin will stay well away from the existing historic miners shed, tipple structure and the completed remediation work at the old mine.



LEGEND

1. High (Red) hazard zone - area where avalanches can be destructive *and/or* frequent; these are areas where avalanches have average return periods of 30 years or less *and/or* can produce impact pressures of 500 pounds per square ft (psf) or more on flat surfaces normal to the flow.
2. Moderate (Blue) hazard zone - area where avalanches are not as frequent and are less destructive than in the high-hazard zone; these are areas where avalanches have average return periods of 30 to 100 years *and* produce impact pressures of less than 500 pounds per square ft (psf).
3. Low (Yellow) hazard zone - area where avalanches are possible but very low probability and energy. Estimated return periods greater than 100-years and impact pressures less than 200 psf.
4. White zone - areas outside the avalanche hazards zones defined above.

NOTES

1. Avalanche Hazard Zones are subject to limitations described in the accompanying report.
2. The avalanche hazard zones are based on LIDAR topography projected onto UTM Zone 8N.
3. The parcel boundaries are based on San Juan County GIS maps and are approximate. The UTM coordinates of the corners shown on this map are:
 NW - 2634135 4197354
 NE - 2634221 4197313
 SE - 2634033 4196892
 SW - 2633947 4196930
4. Prior to selecting a building site, the parcel boundaries should be surveyed and compared with this avalanche zone map to confirm the avalanche zone of the building site.

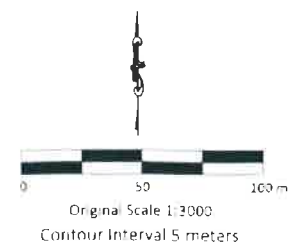
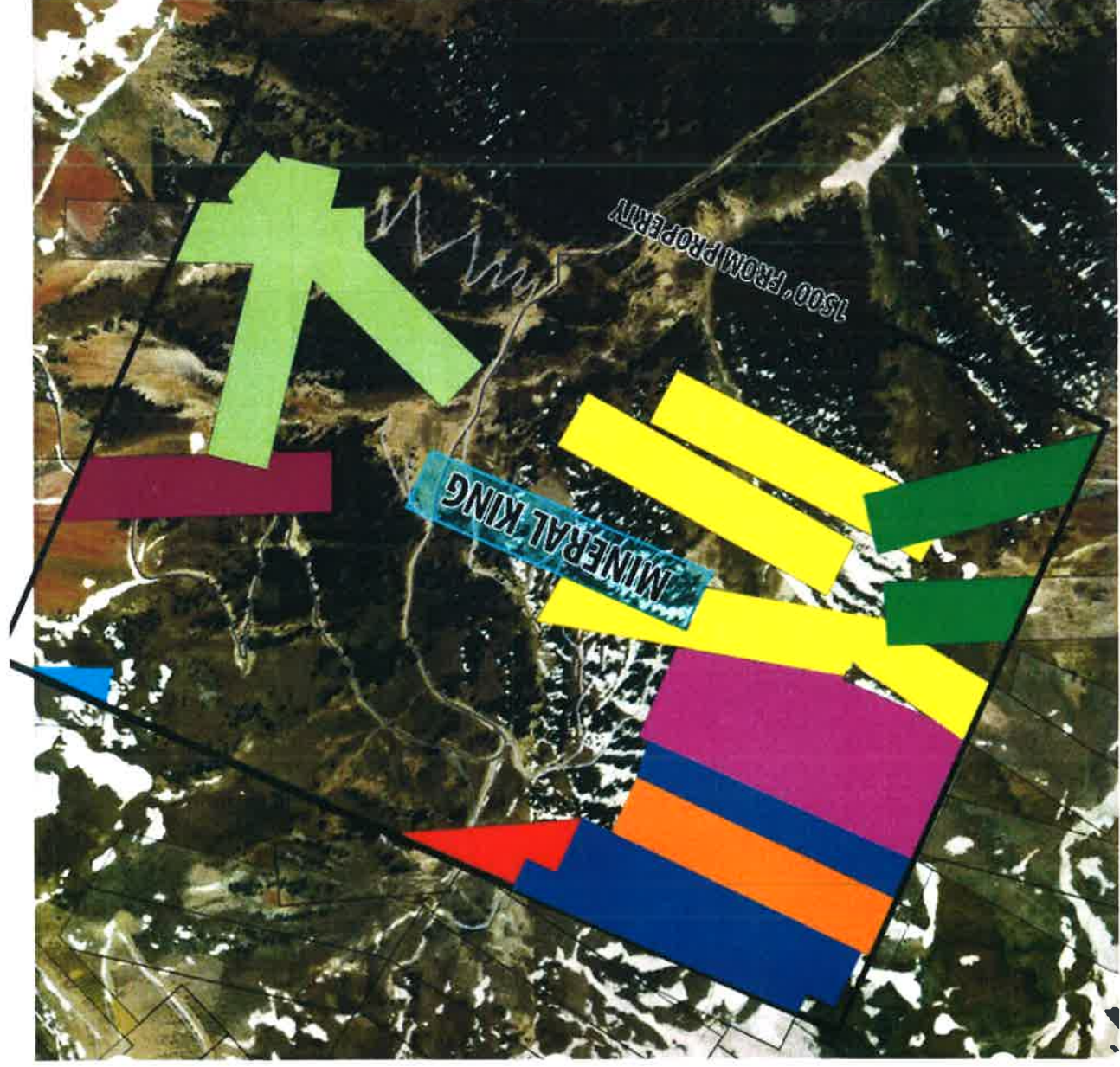











Figure 12 - Avalanche Hazard Map

Mineral King Claim, San Juan County, Colorado

Wilbur Engineering, Inc.
May 19, 2021

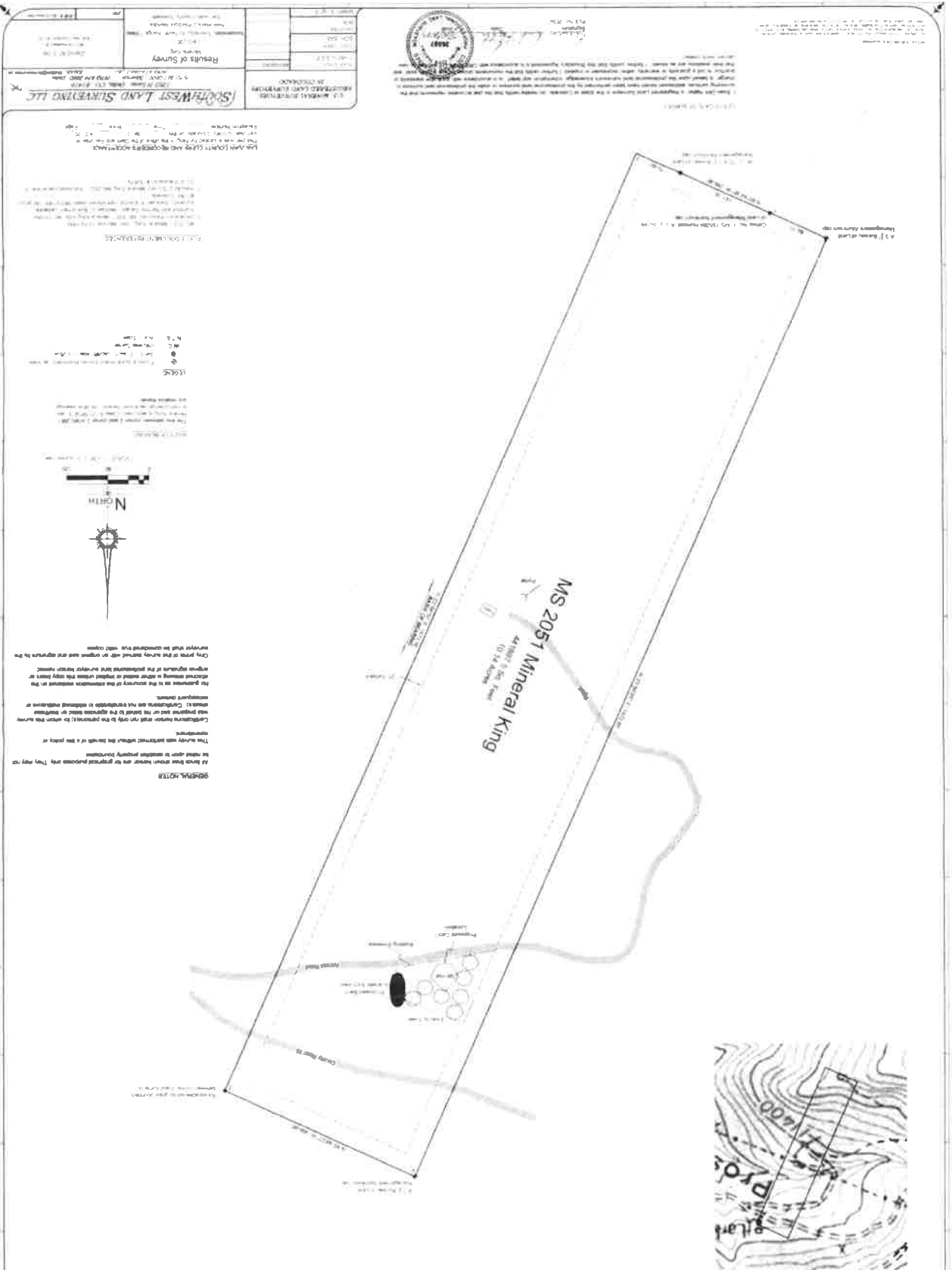


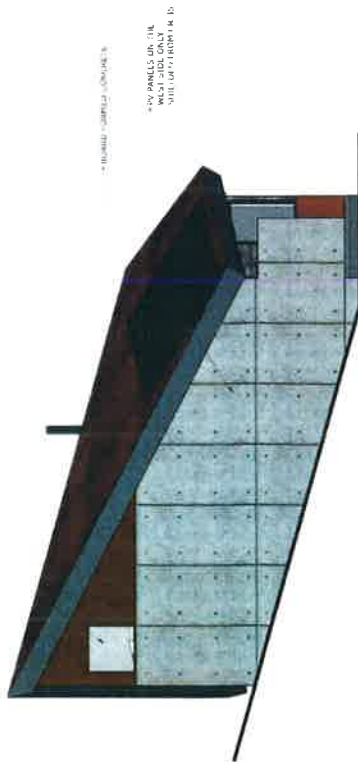
	BLUE BIRD MINING & MILLING CO C/O CAROLYN MOODIE SCHADEN, 5565 JAGUAR WAY - HIGHLANDS RANCH, CO 80130 * NOTE: ALL THESE CLAIMS WERE RECENTLY ACQUIRED BY MINERAL KING, LLC
	SALEM MINERALS INC, 15100 FOOTHILL RD - GOLDEN, CO 80401-2064
	BROWN MARK D & D ELIZABETH, 35505 ROAD H-5 - MANCOS, CO 81328-9323
	GREENFIELD ENVIRONMENTAL MULTISTATE TRUST LLC / GALU- SHA, HIGGINS & GALUSHA, PO BOX 1189 - HELENA, MT 59624- 1189
	FIELD MICHAEL F & JAMES R / KEEFE FAMILY REVOCABLE TRUST, 6219 SADDLETREE LN - YORIBA LINDA, CA 92886
	MC INTOSH THOMAS E, 815 SAGE RD - MONTROSE, CO 81403
	BOY MINING CO, 20 TIMBER LN - DURANGO, CO 81303-3826
	MORRIS RICH MINES INC C/O DAVID LANDAU, 559 N CENTRAL AVE - SAINT LOUIS, MO 63130-3907
	BAUMGARTNER F / OSIRIS GOLD INC / SIAL EXPLORATION INC / CARIBOU RESOURCES, 4155 E JEWELL AVE STE 1001 - DENVER, CO 80222-4514

Map and List of Adjacent Landowners

Suspended, Township 42 North, Range 7 West, of the New Mexico Principal Meridian
San Juan County, Colorado

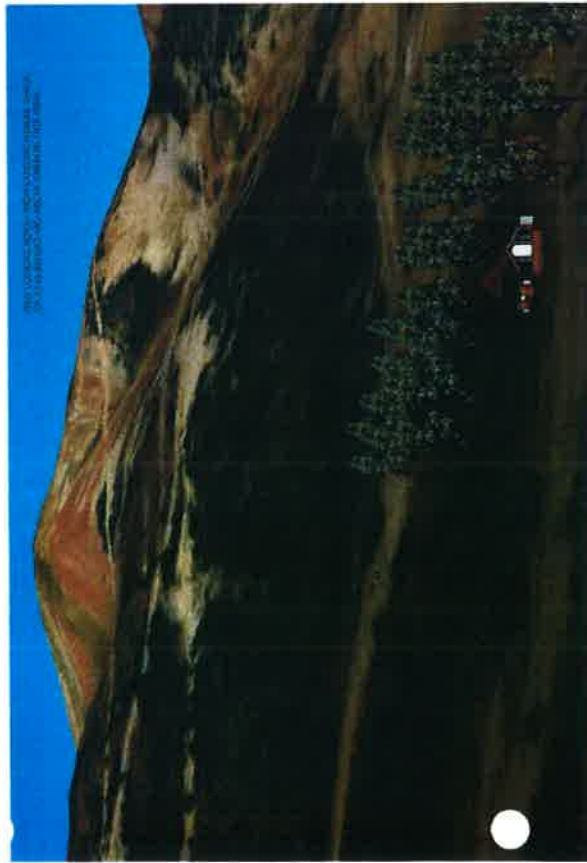
A topographic map of the study area. The map shows contour lines with elevations of 1400, 1500, and 1600. A road is visible, and a rectangular area is outlined, indicating the study area. The map is oriented with North at the top.





FeeneyArchitect
DAVID COLE
NEW CABIN
DATE: 11/11/10
ISSUE: FINAL
DRAWN BY: JAC
SCALE: 1/8" = 1'-0"
REVISIONS: 01/12/11
SHEET NORTH
SHEET

A.4.1



February 6, 2023

Dave Cole
dcole20@me.com

Project No. 57564PE

Subject: Onsite Wastewater Treatment System Feasibility Evaluation
Mineral King, MS 2051 – Cole Ski Hut
Silverton, San Juan County, Colorado

Dear Mr. Cole:

As requested, Trautner Geotech performed a limited Onsite Wastewater Treatment System (OWTS) feasibility assessment for the proposed residence at the subject property. Our observations and findings are discussed in greater detail below.

Project Site and Geomorphology

The approximate 10.14-acre project site is located approximately 1 mile northwest of the Silverton Mountain Ski Area on County Road 35, which cuts through the northern end of the property. The project site location is shown below.



Figure 1: Project Site Location. Adapted from Google Earth (Image Date 9/11/2019).

There is an access road that cuts off of County Road 35 down to the southwest to an existing cabin and historic mine workings near the center of the property. We understand the proposed cabin site will be located between County Road 35 and the site access road. An unnamed tributary to Cement Creek flows through site roughly 250 feet south of the proposed building site. A concept site plan provided by Feeney Architect is provided below.



Figure 2: Concept Site Plan provided by Feeney Architect.

The ground surface at the building site and location of the proposed onsite wastewater treatment system (OWTS) is moderately to steeply sloping down to the south-southeast. Vegetation consists primarily of grasses and scattered coniferous.

OWTS Feasibility

We have not yet been able to access the site with excavation equipment to perform a subsurface exploration in the proposed OWTS soil treatment area (STA). Based on our review of photographs, aerial photographs and the Geologic Map of the Ironston Quadrangle, the site appears to lie within an area the Burns Formation (Luedke and others, 1964). The formational material is likely overlain by some unknown thickness of colluvial material. Based on previous subsurface exploration in another portion of the site, the overburden soils likely consist of a clayey gravel with sand and cobbles. This overburden soil material likely contains greater than 35 percent rock sized material and may not be suitable for effluent treatment per the CDPHE Regulation #43. Formational material from the Burns Formation would also not be a suitable for effluent treatment. At least 4 feet of suitable soil is required beneath the infiltrative surface of the STA.

Although the soil may not be suitable per Regulation #43, we feel a conforming OWTS is likely feasible for the site given the relatively large size of the property and relatively moderate slopes. Design of the OWTS for the site may require a mounded sand filter or below grade unlined sand filter. Soil replacement for "Type R" soils may also be an option. Prior to design and final determination of the OWTS type, at least two exploratory test pits must be excavated adjacent to

the proposed soil treatment area (STA). A site and soil evaluation per the requirements of Regulation #43 will be necessary prior to completion of OWTS design documents.

Limitations

This limited feasibility assessment was completed in accordance with generally accepted principles and practices in this area at this time. We make no warranty either express or implied. The opinions outlined in this letter are based on limited data and do not include detailed field reconnaissance or subsurface exploration. A site and soil evaluation per the requirements of Regulation #43 will be required prior to preparation of the final OWTS Design.

If you have any questions or need additional information, please feel free to contact us.

Respectfully submitted,
TRAUTNER GEOTECH

A handwritten signature in blue ink, appearing to read 'J.A. Deem', with a horizontal line extending to the right.

Jason A. Deem, P.G.
Senior Engineering Geologist

On-Site Wastewater Treatment System (OWTS) Permit Application

Owner: David Cole Phone: 720.209.2105
Project Address (street, town/city, zip): tbd CR 35 San Juan County Mineral king claim2051 prospect gulch
Assessor's Parcel #* PIN 47750180040009 Subdivision: _____ Lot#: _____
Lot Size: 10.1 (acres) # of Dwellings: 1 # of Bedrooms: 2 Water Supply: Cistern/hauled water
List Commercial Uses (e.g., office, factory, event venue): N/A
Owner's Mailing Address: 4610 Homestead St Bow Mar, CO 80123
Owner's Email Address: dcole20@me.com

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

On-site Wastewater Treatment System (OWTS) Permit Types

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

<input checked="" type="checkbox"/> New Construction - (\$1023.00) <i>For new OWTS and complete system replacement</i> <ul style="list-style-type: none"> Contact Registered Soil Technician and/or Professional Engineer (PE) or system designer for analysis and design development. A PE may be required dependent on site and soil conditions. A design must be submitted to SJBPH. SJBPH must have payment and application to review designs for permit issuance. 	<input type="checkbox"/> Alteration - (\$973.00) <i>For changes/additions to existing permitted OWTS</i> <ul style="list-style-type: none"> Contact Registered Soil Technician and/or Professional Engineer (PE) or system designer for analysis and design development. A PE may be required dependent on site and soil conditions. A design must be submitted to SJBPH. SJBPH must have payment and application to review designs for permit issuance.
<input type="checkbox"/> Change Of Use - (\$473.00) <i>For expanded use (e.g., bedroom count) of an existing permit without system modifications, OR new service connections (e.g., garages, shops) added to an existing permit</i> <ul style="list-style-type: none"> For expanded use, provide a certification report from a Professional Engineer (PE) or system designer. For new service connections, provide a proposed site plan and describe scope of work below. Change of Use does NOT allow for connection of new uses (e.g., second dwellings, ADUs) unless the system was originally designed for it – use Alteration instead 	<input type="checkbox"/> Minor Repair - (\$373.00) <i>For replacement of OWTS components with no change to permitted use</i> <ul style="list-style-type: none"> Submit application with payment, transfer of title inspection report (if available) and a simple site plan showing location of repairs. List repairs/scope of work below (e.g. tank replacement, aerators, pipe repairs, etc.) A permit is NOT required for repair of components that do not provide treatment (e.g., fencing, tank lids, inspection ports)

Please describe in detail work to be completed: 1,000sf cabin on a mining claim up Prospect gulch, wood framed, concrete foundation, OWTS, solar power,

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 any Conditions of Approval set by SJBPH; and (4) The owner of the property assumes the responsibility and liability for the proper maintenance of the OWTS.

Owner's Signature: _____ Date: _____

Submit completed application to eh@sjbpublichealth.org or at one of our office locations.

**This is NOT a permit; this application does not authorize construction or repairs.
All OWTS construction/repair work must be performed by an installer licensed by SJBPH.**

**AVALANCHE HAZARD
ASSESSMENT & MAPPING**

for

**MINERAL KING CLAIM
U.S. SURVEY NO. 2051,
ASSESSOR PARCEL NO. 47750180040005
COUNTY ROAD 35,
PROSPECT GULCH RD.
SAN JUAN COUNTY COLORADO**

Prepared by:

Wilbur Engineering, Inc.
Durango, Colorado

May 19, 2021

May 19, 2021

Mineral King LLC

RE: Avalanche Hazard Assessment
Mineral King USMS # 2051, Assessor Parcel No. 47750180040005
County Road 35, Prospect Gulch Rd., San Juan County, Colorado

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.

A handwritten signature in black ink, appearing to read "Chris Wilbur".

Chris Wilbur, P.E.

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Appendix

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1. Introduction

This study describes snow avalanche hazards at the Mineral King Mining Claim on the in Prospect Gulch near County Road 35. Figure 1 shows the site location about 8 road miles NNW of Silverton. Figure 2 shows the site on a Caltopo slope angle map. This report describes the avalanche hazards at the site, including a map delineating high and moderate avalanche hazard zones, and provides recommendations for the planned site development of a rural high elevation cabin.

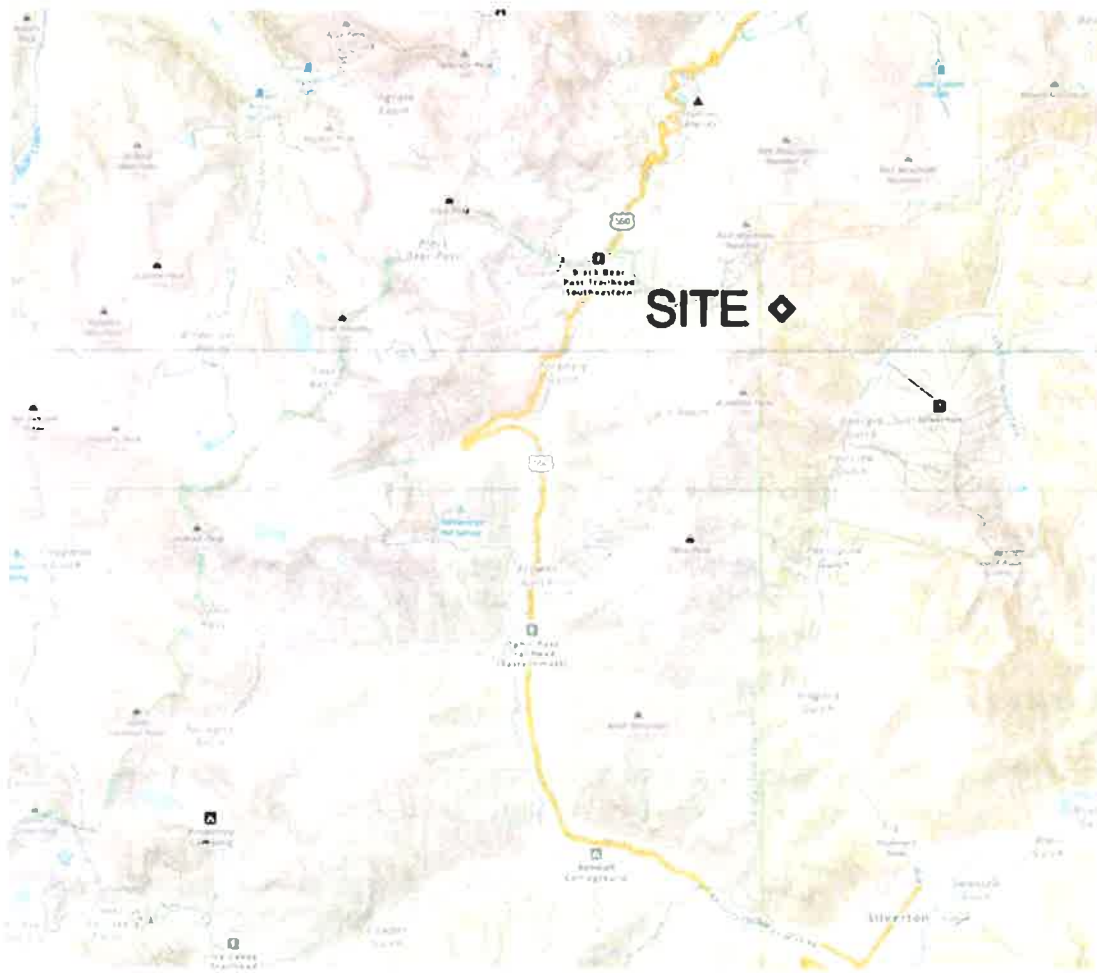


Figure 1 – Site Location Map

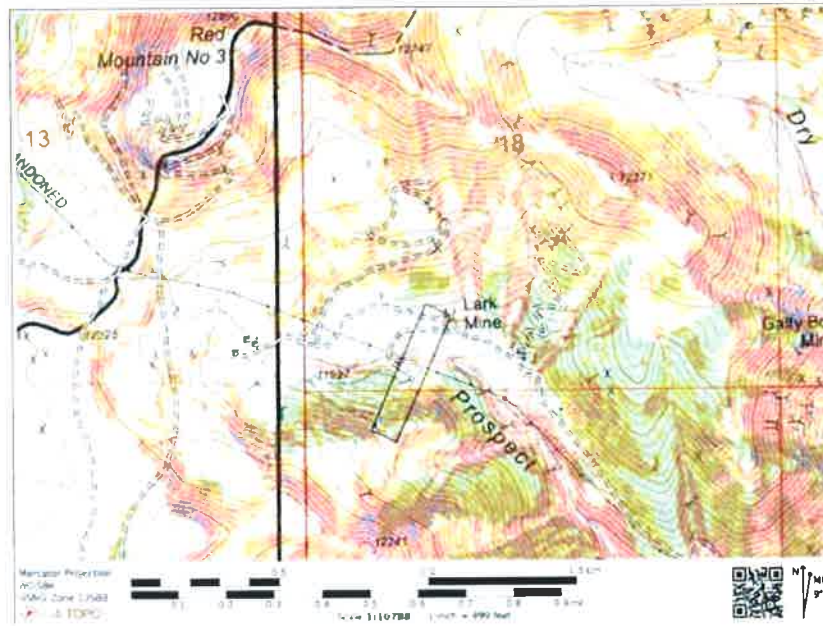


Figure 2 – Site on Caltopo Slope Map
(Site boundaries are approximate)

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-magnitude¹ 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.

¹ The *Design-Magnitude Avalanche* has an approximate annual probability of one-percent, or an average return period of 100-years.

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 avalanche 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 12 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 March 22, 2021 and May 13, 2021.
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. Avalanche History

Historic avalanches and damages are documented for nearby lands in Reference 4, but no events are listed for the Mineral King Claim or nearby Lark mine. A mine in Dry Gulch named "Mineral King" had all of its buildings destroyed in the 1880s and damage occurred at the Galena Queen mine further up Prospect Gulch in February 1893. Figure

3 shows a historic photo of the Lark mine with several buildings and the forest above the site taken in the 1940s (Ref. 5).



Figure 3 – Historic Photo of Lark Mine and Forest

6. Snow Climate

The site is located in the Colorado Avalanche Information Center's (CAIC) Northern San Juan recreational forecast zone. The region is characterized by a high elevation, high solar radiation, continental snow climate. This snow climate is widely known for its characteristic structure with a shallow snowpack and development of early season persistent weak layers that can last 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.

Long-term weather records are available from a COOP weather station in Silverton and a SNOTEL station on Red Mountain Pass. In addition, the Center for Snow and Avalanche Studies has weather instrumentation at three sites near Red Mountain Pass, including an anemometer at the Putney weather station at elevation 3757 meters. Selected weather and climate data are presented in Appendix A.

7. Terrain

Figure 4 shows a slope angle map and topo of the site. The site itself is located below timberline near elevation 3450 meters (11,300 feet).

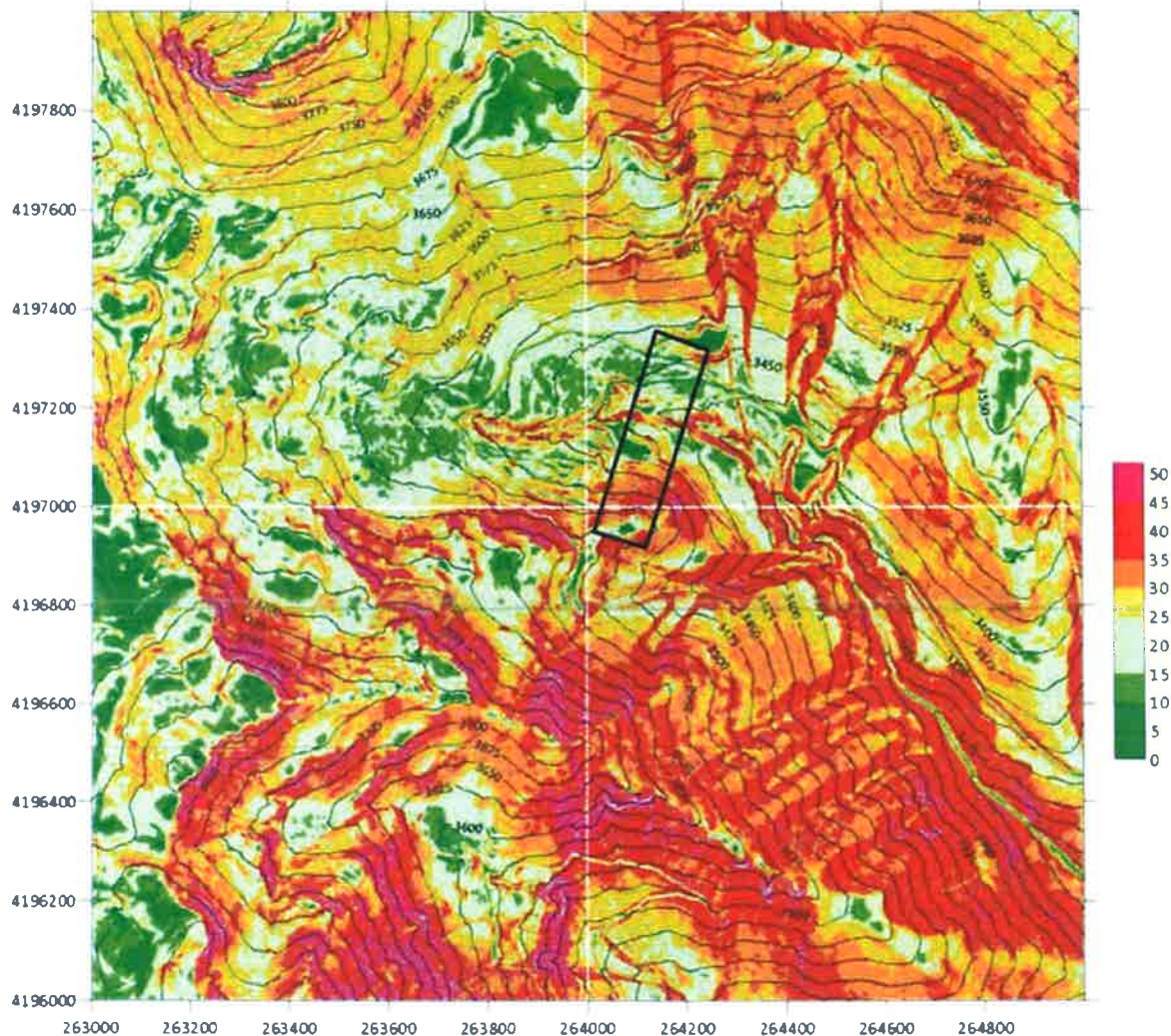


Figure 4 – LiDAR Slope Angle Map
(Site boundary approximate; 5 meter contours; WGS84 UTM)

We identified five generalized avalanche starting zones² with the potential to reach the site. Figure 5 shows generalized profiles from each starting zone. Zones 1, 2 and 4 are above timberline. Zones 1 and 2 will load from northerly winds that often occur post-storm. Zone 4 is less favorable for wind-loading, but could release with Zone 2 in a rare

² The *Starting Zone* of an avalanche is the area where snow releases, accelerates and increases in mass

100 to 300-year avalanche. Large avalanches from these zones will flow past the upper cirque bench at elevation 3690 meters and spill onto the steeper terrain below. Zone 5 and areas to the east are south-facing intermediate elevation release areas with more uniformly sloped tracks. All of the release zones and avalanche paths originating north of Prospect Gulch can reach the creek and fill the channel with 10 to 15 meters of avalanche debris.

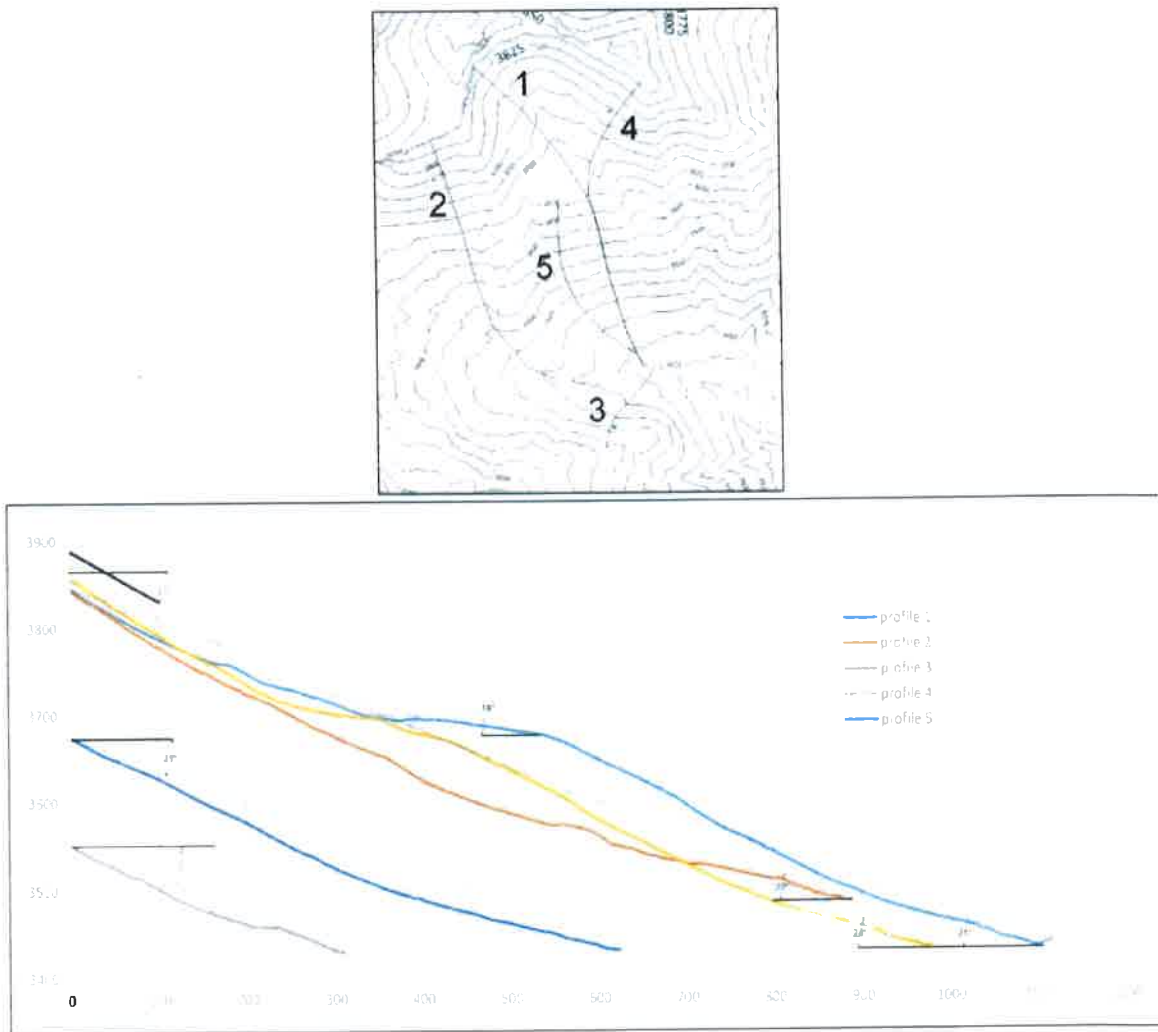


Figure 5 – Profiles of Avalanche Paths affecting the Site



Figure 6 – Photo of South-facing Avalanche Terrain

Profile 3 is a smaller and lower elevation north-facing starting zone south of Prospect gulch. Forest cover and terrain cause this starting zone to be weakly connected. There are three release areas that funnel into a single track that flows onto a flat area with a cabin. The avalanche trajectory onto the flat area expected to vary with release areas, release sequences and flow regimes. Figure 7 shows a photo of this lower relief north-facing avalanche terrain.



Figure 7 – Photo of North-facing Avalanche Terrain

8. Vegetative Indicators

The conifer forest at the site provides vegetative indicators for historic and undocumented avalanches, including lateral and vertical extents. Figure 8 shows an aerial photo of the site. Figure 9 shows the non-ground LiDAR reflections that indicate tree canopy height and density. Tree diameters vary widely. The locations and description of avalanche damage were recorded in the field. Photos are presented in Appendix B.



Figure 8 – Aerial View of Site from San Juan County GIS website

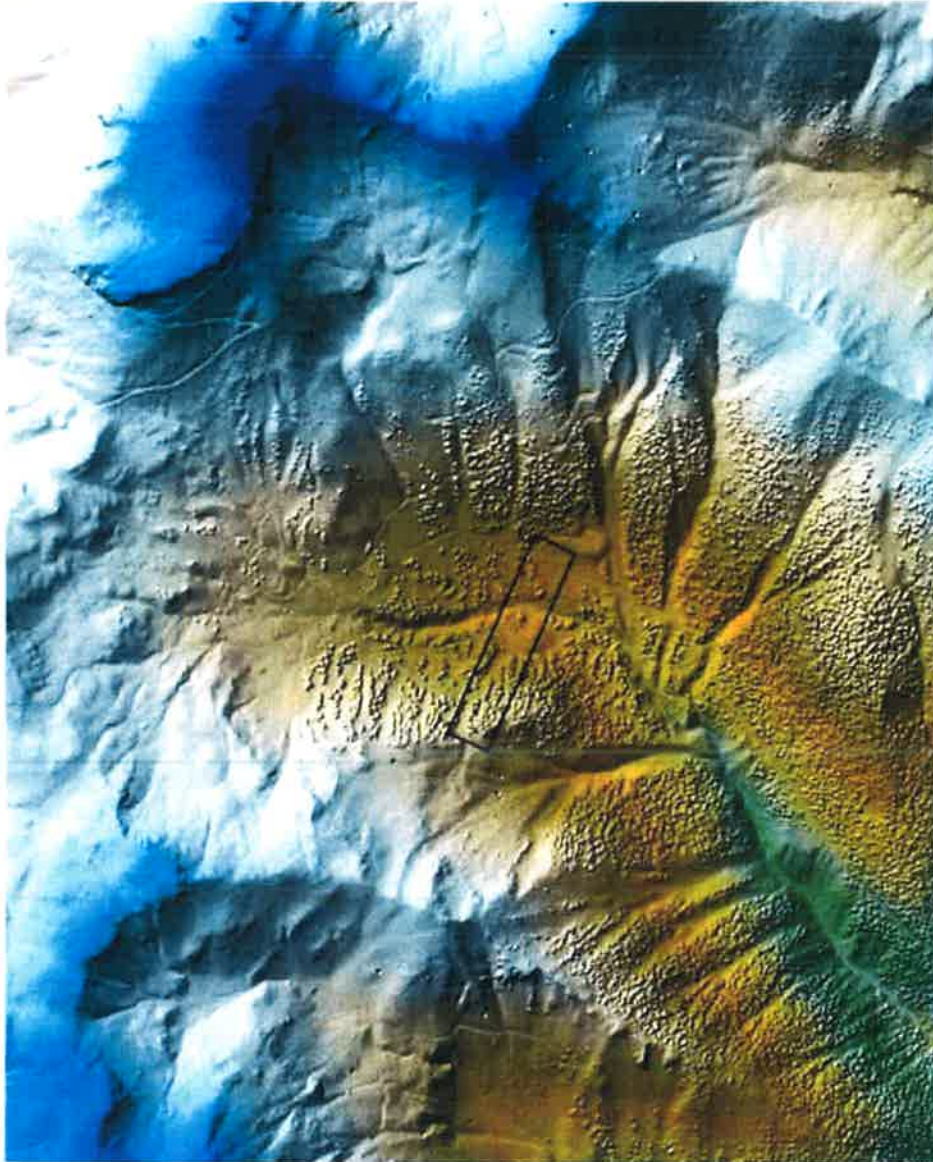


Figure 9 – Vegetation and Non-ground LiDAR Reflections
(Site boundary approximate)

9. *Avalanche Dynamics Modeling*

We used the Swiss avalanche dynamics program RAMMS Release 1.7.2 to evaluate flow directions, thickness and velocities for the design-magnitude avalanche. Figure 10 and Figure 11 show representative RAMMS results for maximum predicted flow heights for approximate design-magnitude avalanches for paths north of Prospect Gulch. The model calibration was based on vegetative indicators and our experience with other

avalanches in Colorado, including well-documented historic avalanches and regional runout statistics. Model assumptions and parameters for the design magnitude avalanche are presented in Appendix A.



Figure 10 – RAMMS Predicted Maximum Flow Heights

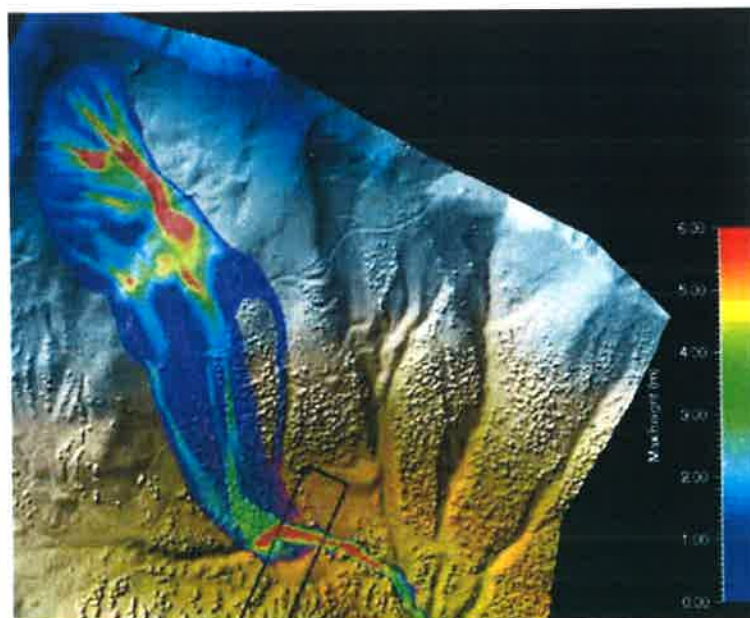


Figure 11 – RAMMS Predicted Maximum Flow Heights

10. Findings

Based on the observations, analyses and methods described in this report, we draw the following conclusions.

Avalanche Hazard Map

Figure 12 presents an Avalanche Hazard Zone Map for the site. 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 12. 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. An optional Low Hazard Zone (Yellow Zone) is shown for the purpose of indicating relative hazards across the site in the areas of greatest uncertainty. This zone is often used to indicate powder avalanche impacts, but at this site, it represents very low probability and energy areas for dense flowing avalanches.

Powder Avalanche Impacts

Due to forest cover, powder avalanches from the upper elevation paths north of Prospect Gulch will be non-destructive at the site. The large avalanche path about 80 meters east of the site will not have destructive stagnation pressures at the site.

Site Access

Access to the site from Silverton requires passing under many large avalanche paths. The hazard and risk associated with site access is outside of the scope of this report.

11. Recommendations

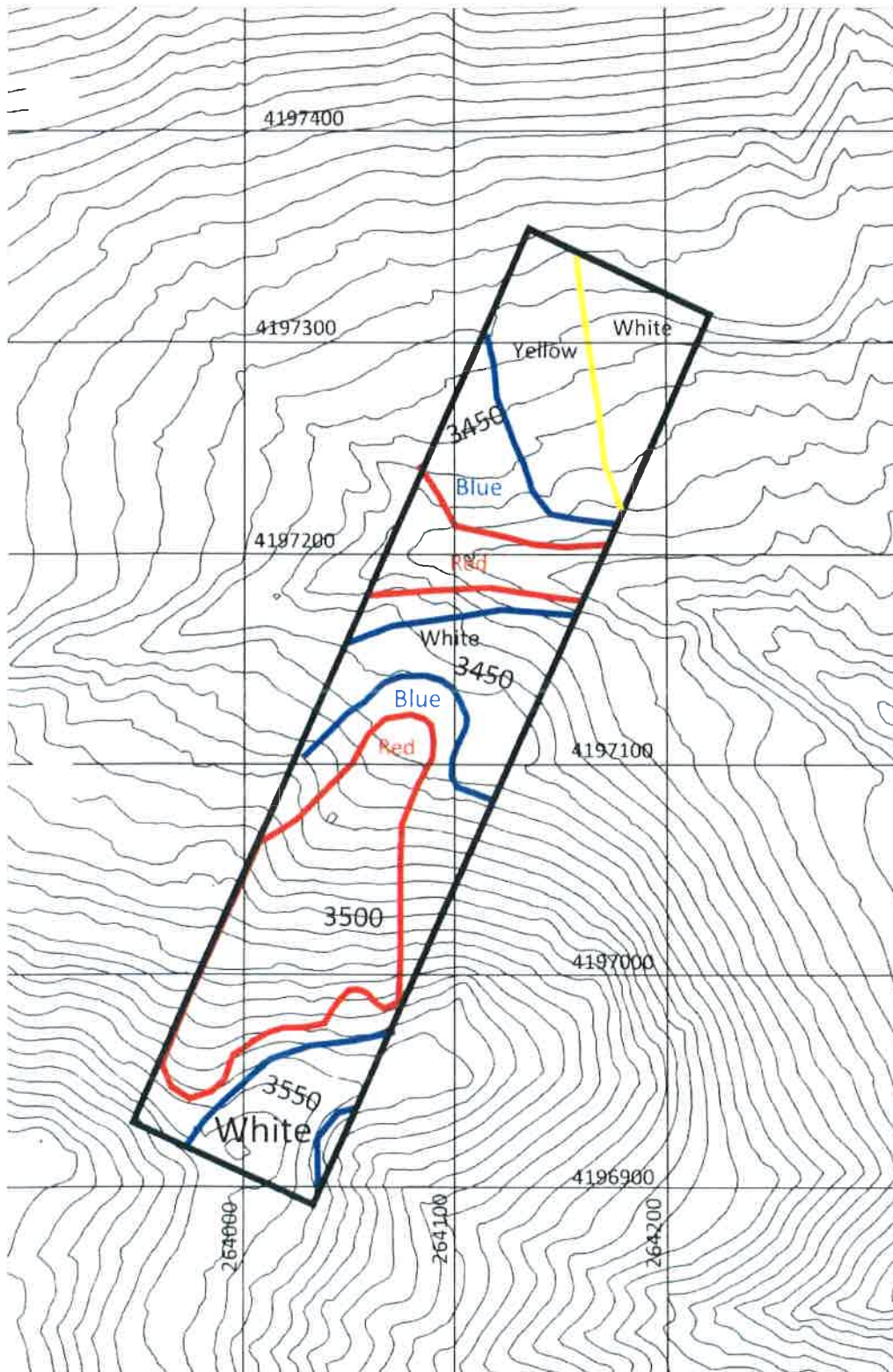
Based on the methods and findings described above, we offer the following recommendations:

1. Avoidance of avalanche hazards is the most reliable form of mitigation. No permanent structures should be placed in High Avalanche Hazard (Red) Zones.
2. We recommend placing all permanent structures outside of Moderate (Blue) Avalanche Hazard Zones.
3. If structures or portions of structures must be located in Blue Zones, they should be designed for avalanche impact loads. Avalanche impact loads cannot be determined until the location, geometry and orientation of the structures are known.

4. County and private roads to the site cross several large avalanche paths. This study does not assess hazards or risks of any of the off-site avalanche paths.
5. 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.

12. 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.
5. Lehr, Lark mine photo from 1940s; Joe and John mine photo, undated
<https://mountainscholar.org/handle/11124/173720>.



LEGEND

- 1 High (Red) hazard zone - area where avalanches can be destructive and/or frequent, these are areas where avalanches have average return periods of 30 years or less and/or can produce impact pressures of 600 pounds per square ft (psf) or more on flat surfaces normal to the flow
- 2 Moderate (Blue) hazard zone - area where avalanches are not as frequent and are less destructive than in the high-hazard zone, these are areas where avalanches have average return periods of 30 to 100 years and produce impact pressures of less than 600 pounds per square ft (psf)
- 3 Low (Yellow) hazard zone - area where avalanches are possible but very low probability and energy. Estimated return periods greater than 100-years and impact pressures less than 200 psf
- 4 White zone - areas outside the avalanche hazards zones defined above

NOTES

- 1 Avalanche Hazard Zones are subject to limitations described in the accompanying report.
- 2 The avalanche hazard zones are based on LIDAR topography projected onto UTM Zone 8N
- 3 The parcel boundaries are based on San Juan County GIS maps and are approximate. The UTM coordinates of the corners shown on this map are:
NW - 2634135, 4197354
NE - 2634221, 4197313
SE - 2634033, 4196892
SW - 2633947, 4196930
- 4 Prior to selecting a building site, the parcel boundaries should be surveyed and compared with this avalanche zone map to confirm the avalanche zone of the building site

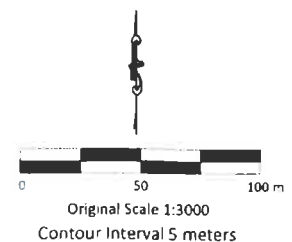
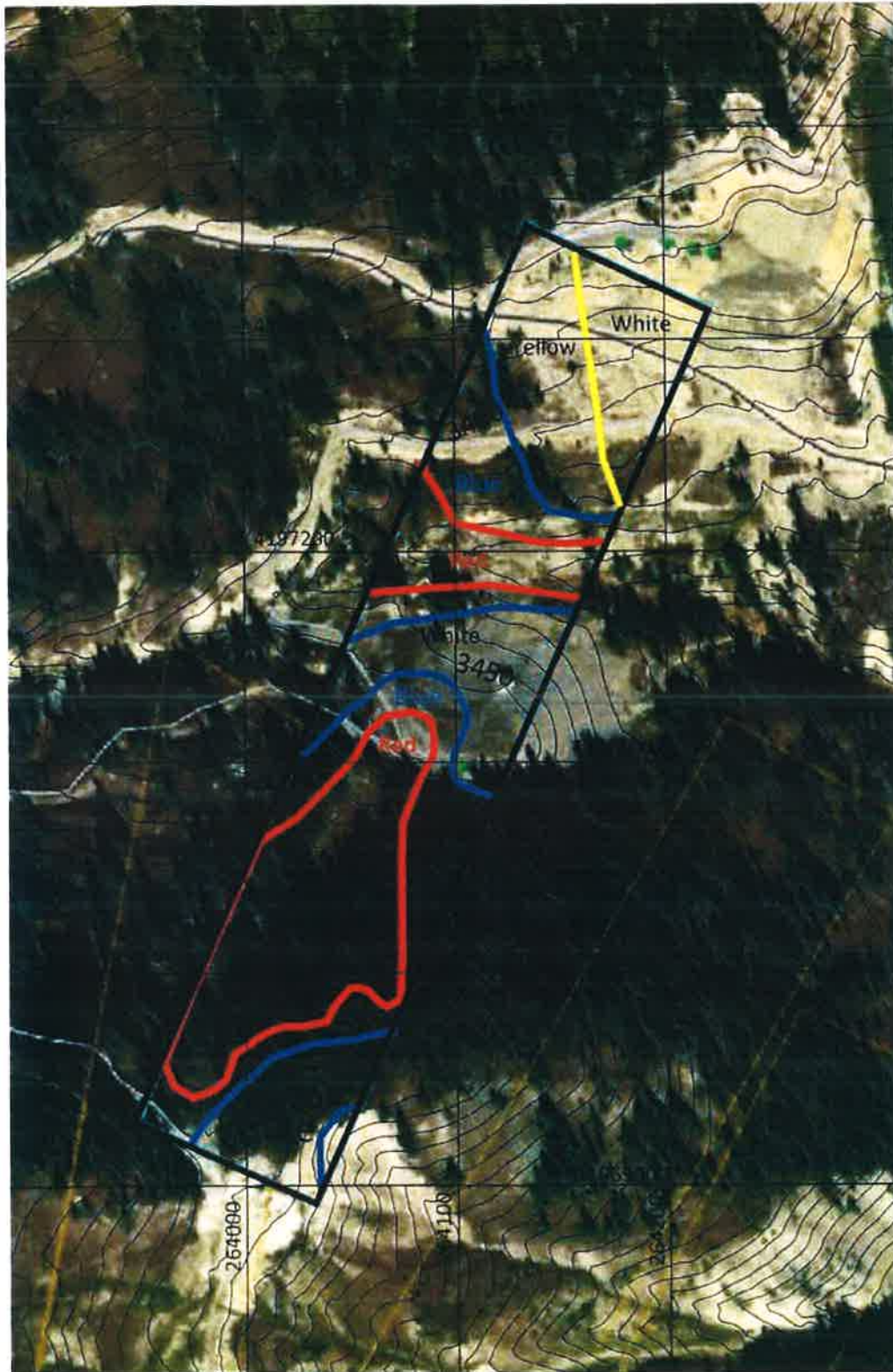


Figure 12 - Avalanche Hazard Map
Mineral King Claim, San Juan County, Colorado

Wilbur Engineering, Inc.
May 19, 2021



LEGEND

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NW - 2634135, 4197354
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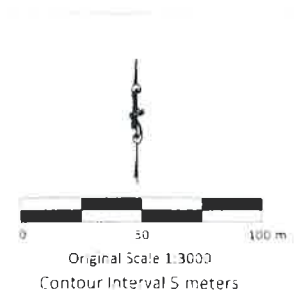
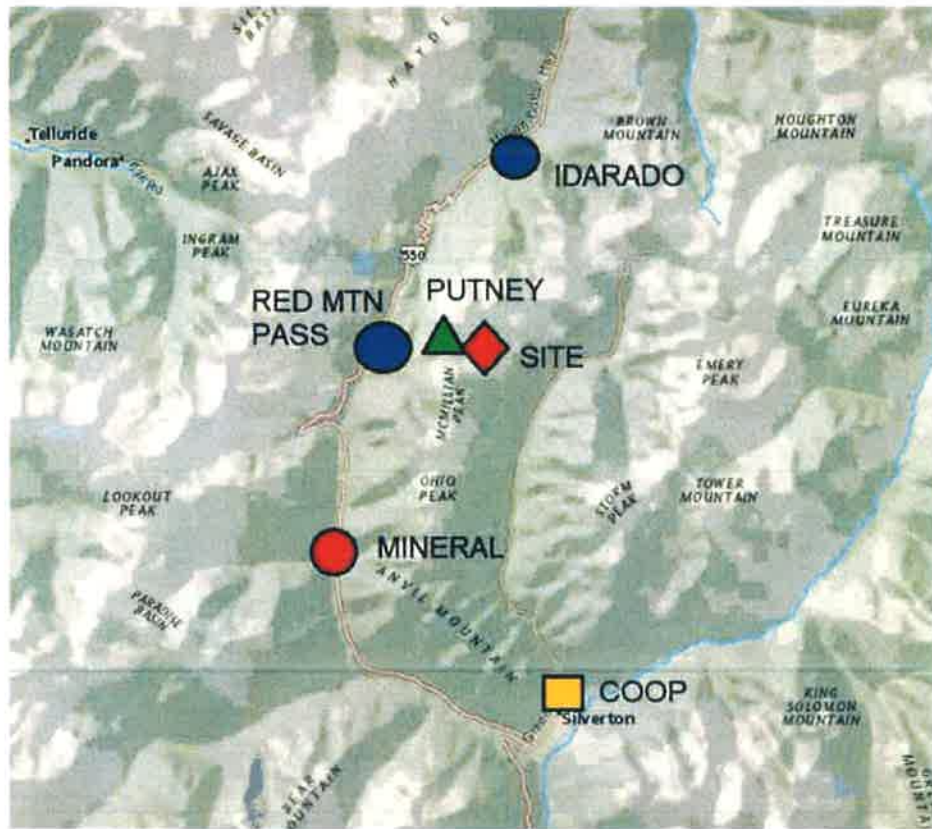


Figure 12 - Avalanche Hazard Map

Mineral King Claim, San Juan County, Colorado

Wilbur Engineering, Inc.
May 19, 2021

Appendix A Weather and Climate Data



Regional Map with Weather Stations

SILVERTON, COLORADO (057656)

Period of Record Monthly Climate Summary

Period of Record : 7/ 1/1906 to 12/31/2005

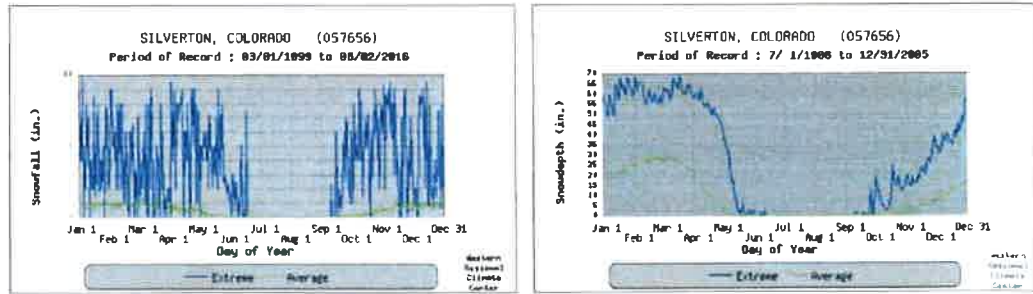
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	34.0	36.6	40.6	47.3	57.6	67.9	73.1	70.3	64.7	55.1	43.2	35.1	52.2
Average Min. Temperature (F)	-1.9	1.0	5.1	16.5	26.4	31.9	37.9	37.2	30.3	22.0	9.5	0.2	18.4
Average Total Precipitation (in.)	1.68	1.75	2.30	1.72	1.46	1.39	2.72	3.10	2.51	2.34	1.49	1.73	24.50
Average Total Snowfall (in.)	25.8	25.3	25.4	17.3	4.3	0.5	0.0	0.0	0.9	5.5	20.0	24.0	154.8
Average Snow Depth (in.)		21	27	26	11	0	0	0	0	0	1	4	12

Percent of possible observations for period of record

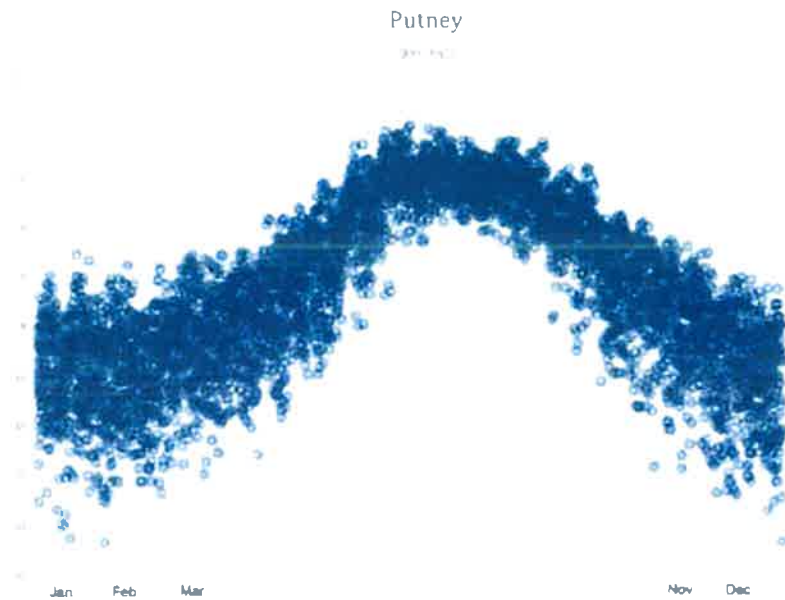
Max. Temp. 91.1% Min. Temp. 93.9% Precipitation 95.0% Snowfall 95.2% Snow Depth 85.8%

Check Station Metadata or Metadata graphics for more detail about data completeness

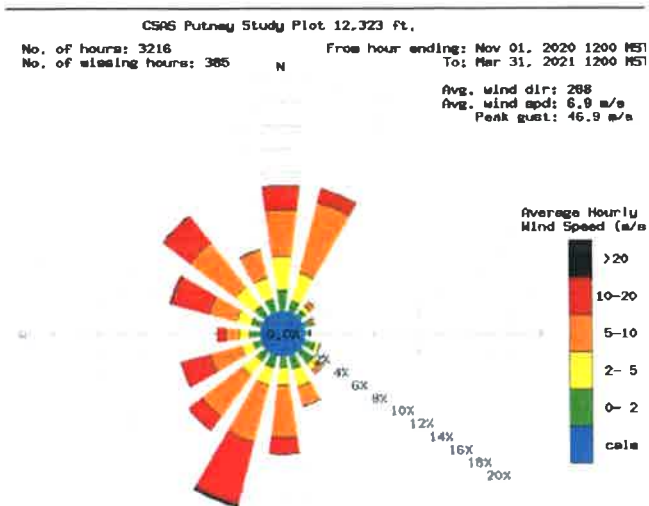
Western Regional Climate Center: wcc.ncep.noaa.gov



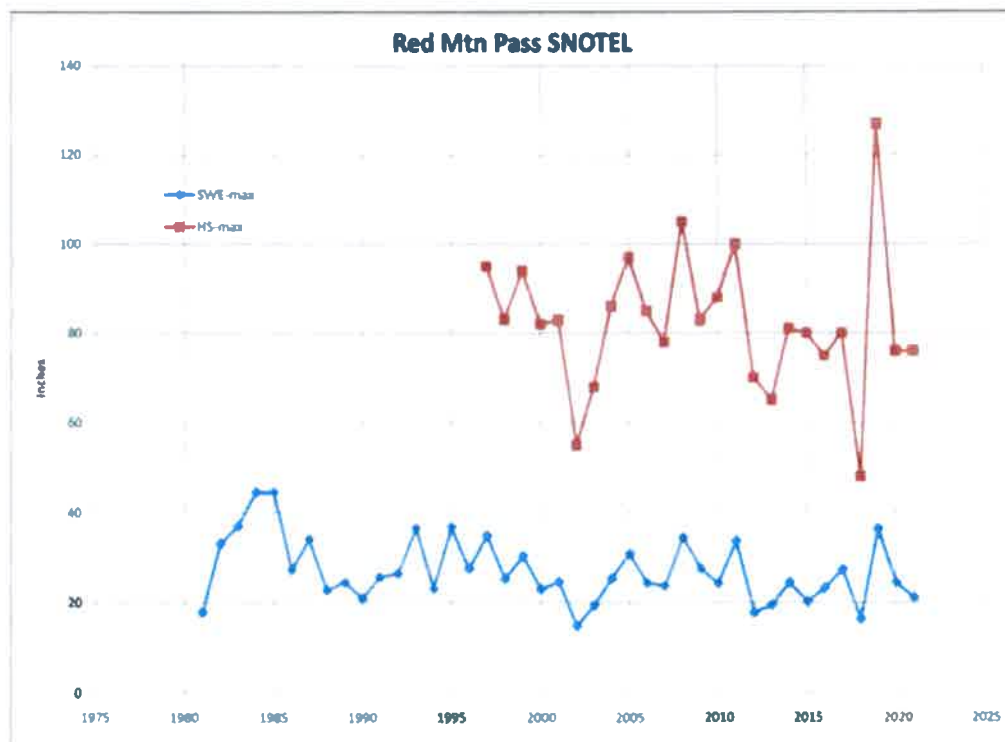
Silverton Coop Snow Height and 24-hour Snowfall Data



Putney Air Temperatures
(data courtesy of the Center for Snow and Avalanche Studies)



Putney Wind Rose
(data courtesy of the Center for Snow and Avalanche Studies)



Appendix B
Photos





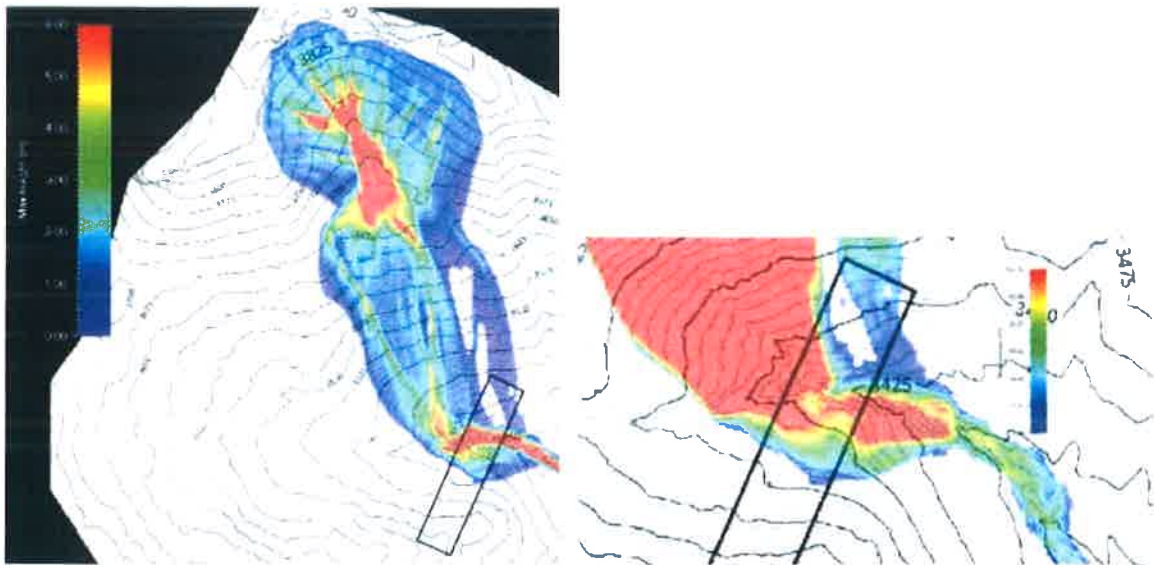


Appendix C RAMMS Parameters & Results

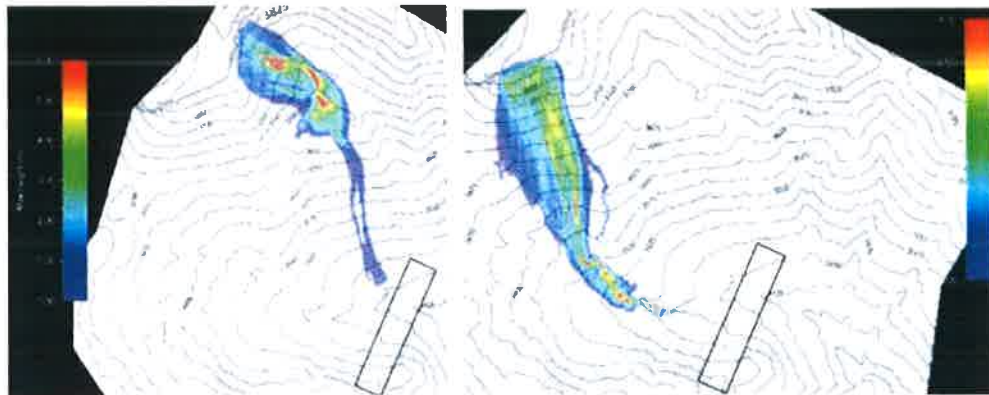
*** Important Note: ***

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. (m3)			
run1	1.8	R1	1.2	144,200	L100	0	Entire S-facing bowl; v large
run2	3.6	R1	1.2	144,200	L100	0	reduce resolution
run3	3.6	R2	1.2	31,500	M100	0	W part of bowl, smaller rel.
run4	3.6	R3	1.2	18,100	M100	0	further W S-facing rel.
run5	3.6	R4	1.0	3,400	S100	0	small N-facing rel.
run6	3.6	R5	0.9	14,500	S100	0	bigger N-facing rel
run7	3.6	R6	0.9-1.0	8,000	S100	0	isolated N rel.
run9	3.6	R7	1.2	71,200	L100	0	medium size S-facing bowl; reas. Calib
run10	3.6	R8	1.0	48,300	M100	0	SSW-facing upper SZ

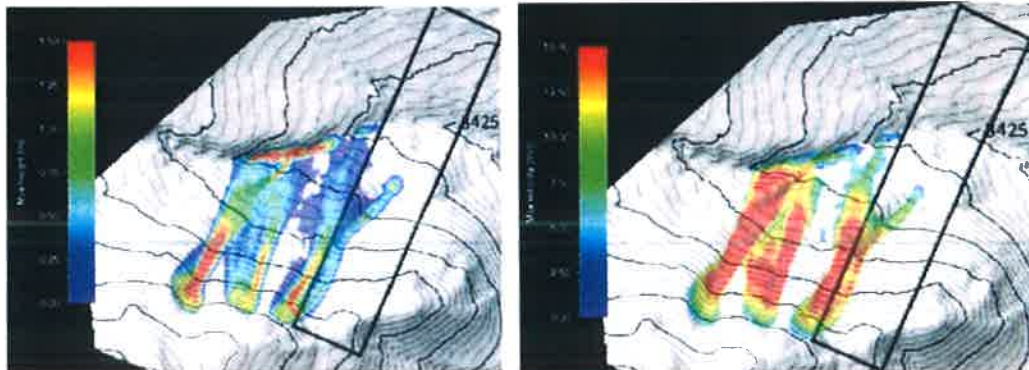


Run 2

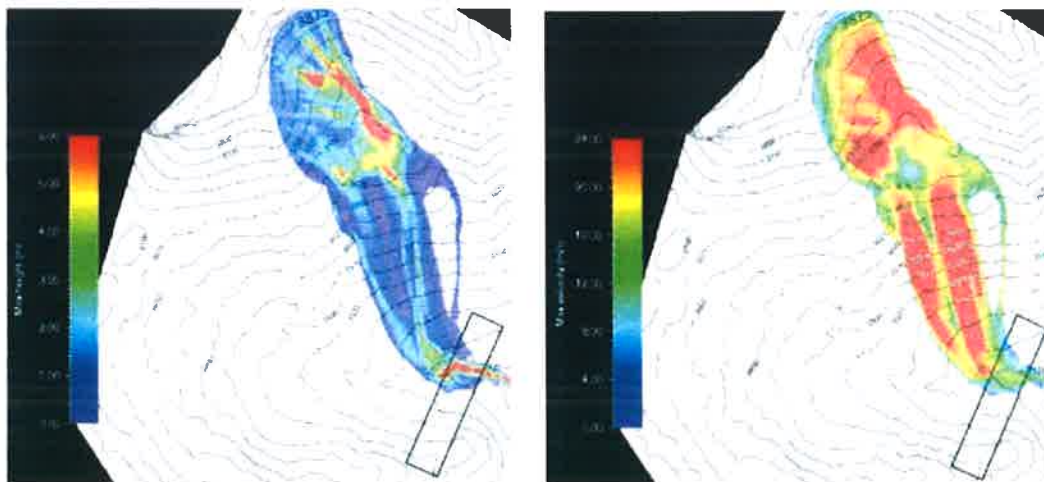


Run 3

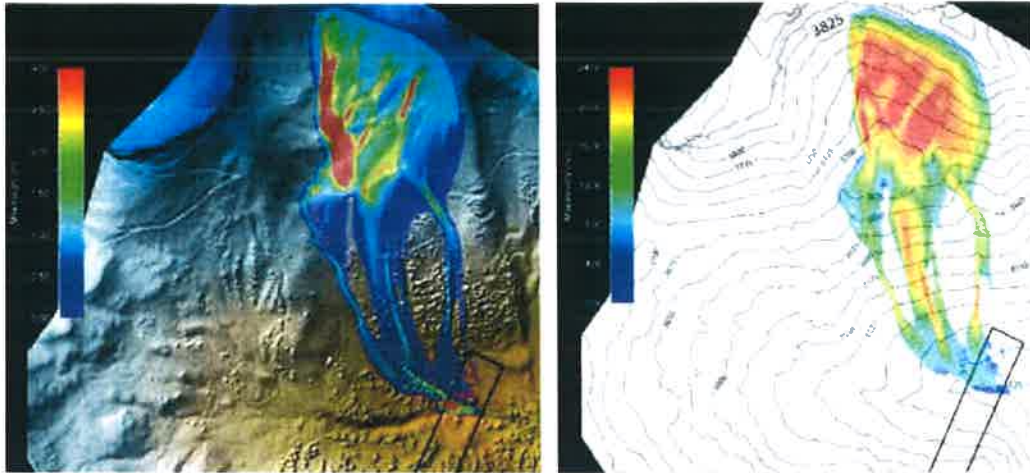
Run 4



Run 5



Run 9



Run 10

August 16, 2022

Mr. Rick Feeney
Feeney Architect
1201 Main Avenue, #201
Durango, Colorado 81301

Subject: Mineral King Hut Project
Geotechnical Engineering Overview
Silverton, Colorado

Mr. Feeney,

This letter presents our geotechnical engineering overview and comments based on our August 11, 2022 observations of the surface and subsurface conditions at the proposed Mineral King Recreational Hut located on San Juan County Road 35, north of Silverton, Colorado.

The approximate project site location is shown below.



The aerial photograph above was obtained from Google Earth, Imagery Date 11/29/2019

We understand that the proposed project will include the construction of a small cabin, with less than 1,000 square feet of floor space to be used primarily for recreational purposes. The structure will be a wood frame building supported by a steel reinforced concrete foundation system. The floor will be supported over a crawl space.

We observed the subsurface soil conditions exposed in an exploratory pit that was advanced with a rubber-tired backhoe in the location of the proposed structure, and in two exploratory pits located in a potential septic system leach field location. The approximate location of the exploratory pits are shown below.



The photograph above was obtained from Google Earth, Imagery Date 11/29/2019

The tabulations of the subsurface soil conditions presented below are based on our interpretation of the field exploration data. Actual subsurface conditions and soil interface elevations may be variable across the site and are often gradual. It is not uncommon to encounter subsurface soils or conditions that are unique to on portion of a project site. The logs of the exploratory pits observed are presented below.

Test Pit #1 Test pit location: In proposed Hut Location

Soil Depth Interval (ft.)	Sample Depth and Type	Blow Count (N)	Soil Description and Comments
0 - 2	--	--	Man-placed fill, Gravel, cobble, sand and clay matrix, medium dense, moist red-brown (GC)
2 - 6½	--	--	Gravel and cobble, sand and clay matrix, dense, moist red-brown (GC)
6½	--	--	Excavation refusal in bottom of test hole on large boulder or possible formational material at 6½ feet

Test Pit# 2 &2A Test pit location: Near west end of potential leach field area

Soil Depth Interval (ft.)	Sample Depth and Type	Blow Count (N)	Soil Description and Comments
0 - 7½	bulk	--	Gravel, cobble, sand and clay matrix, scattered boulders dense, moist to very moist red-brown (GC). 6 inches of organic material at surface.
7½			Excavation refusal on boulder at 2 feet, offset 10 feet east, Refusal in TH-2A at 7½ feet

Test Pit# 3 Test pit location: Near east end of potential leach field area

Soil Depth Interval (ft.)	Sample Depth and Type	Blow Count (N)	Soil Description and Comments
0 - 7	bulk	--	Gravel, cobble, sand and clay matrix, scattered boulders dense, moist to very moist red-brown (GC) 6 inches of organic material
7			Excavation refusal on boulder at 7 feet

We did not encounter free subsurface water in the exploratory pits at the time of the excavation; however we did observe evidence of shallow subsurface water migration located just east of the Test Hole #3 location.. We suspect that the subsurface water elevation and soil moisture conditions will be influenced by snow melt and/or precipitation and local irrigation.

The proposed structure will be relatively lightly loaded. We typically recommend that conventional spread footings that are placed on soils of this nature be supported by a layer of processed natural soil fill. The processing should include removal of cobbles larger than about 3 inches to a minimum depth of about 8 to 10 inches below the bottom of concrete followed by compaction of the processed material. The support elevation should be consistent with the local building code for protection from frost heave. The processed material should be moisture conditioned and compacted to at least ninety (90) percent of the maximum dry density as defined by the modified Proctor test, ASTM D1557. The ground surface adjacent to the structure should

PN: 57564PE
August 16, 2022
Page 4

be sloped away from the structure to promote surface water flow away from the foundation system. We typically recommend a minimum slope of 12 inches in the first 10 feet in unpaved areas.

It is apparent that the mine dump and surrounding areas has been environmentally remediated. We recommend that no construction or other disturbance be conducted within areas where environmental remediation has been completed unless appropriate authorization has been obtained.

The observations and recommendations contained in this letter are based on our surface observations at the time of our site visit and do not include subsurface exploration, laboratory testing or stability modeling. We make no warranty to these comments, either expressed or implied. We can provide a proposal for a geotechnical engineering evaluation, including subsurface exploration and testing, upon request. The results of a full geotechnical engineering evaluation may alter the comments provided above.

Please contact us if you have any questions, or if we may be of additional service.

Respectfully Submitted,
TRAUTNER GEOTECH



David L. Trautner, PE

Scenic Quality Report

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.

The following is a Scenic Quality Report for the proposed Cole Cabin, located on Mineral King, MS 2051, Prospect Gulch in San Juan County, Colorado. This property is accessed off County Road 35 via County Road 110, County Road 35 is not maintained year-round near the property (County Road 110 is plowed to Silverton Mountain year-round). The applicant will be limited to seasonal vehicular access and human powered access during winter months.

2. PROJECT SITE AND PROPOSED CABIN LOCATION

San Juan County regulations require that this Scenic Quality Report adhere to the following:

The designated view sheds shall include natural and historic features as seen from and toward the site. Provide written descriptions of these view sheds and how they will be preserved. Existing site photos and graphic depictions of the proposed development shall be submitted so that staff, the Planning Commission and the Board of County Commissioners can assess the visual impacts of the project on the view shed and the effectiveness of proposed mitigation measures.

The property consists of 10.1 acres of dispersed evergreens with several large clearings and grassy meadows. The claim is situated in a general south to north orientation, straddling the drainage of Prospect Gulch, with County Road 35 crossing at the North end of the Mineral King Claim. The claim has Northern and Southern slopes. The cabin would sit on the southern sloping portion of the claim, below CR 35, behind mature evergreen trees nestled into the slope next to the existing access drive. This location allows for good access from County Road 35 and separates the new cabin from the existing historic miners shed, tippie structure and the completed remediation work at the old mine.

The proposed building envelope is not visible from County Road 110 since it is approximately 1.3 miles away from the road junction, and due to the mountainous terrain and elevation change between road and site.

While traveling on County Road 35 towards the property, visibility of the proposed cabin site will be largely obstructed by the evergreens in the direct vicinity of the cabin site and it is lower than the road



The proposed cabin siting is the best balance of privacy, safety from natural hazards, accessibility, and buildability available on the property. It is located adjacent to an existing road grade. The applicants chose the siting for the cabin due to the generally moderate topography, natural clearing with evergreens to screen the cabin, and proximity to County Road 35, which cuts through the north end of the property.

3. VIEWS FROM THE PROPOSED CABIN

View corridors from the proposed cabin will primarily face the south towards the tibble ruin and miners shed on the claim, and west up to the peaks and basin. The north side will be partially buried into the slope to minimize the exposed volume of the new cabin, and its visual impact on its surroundings. In the County Scenic Quality Report regulations, it is requested that information about the view from the building envelope is provided.

Photo below show view from the proposed cabin looking south/southeast showing historic timber ruins, and miners shack roof beyond. The proposed cabin location keeps this view in tact



4. LOCATION OF STRUCTURE MINIMIZES VISIBILITY FROM PUBLIC LANDS & EXISTING TRAILS

The County Scenic Quality regulations require the following information:

Evidence shall be provided to show that the location of the structure is designed to minimize the visual impacts and that it does not detract from the scenic quality of adjacent public lands, existing trails or historic resources.



Cabin site is marked with a red star, CR 35 is above trees, Access drive has the truck parked on it.



The property is surrounded primarily by BLM land and the remainder by privately owned parcels on the south and west sides. The existing public lands and trails surrounding the property include County Road 35. This route brings seasonal recreational visitors through the north end of the property.

The exterior building materials of the proposed cabin will be subdued to blend with the surrounding environment to minimize visibility for someone traveling on County Road 35 looking towards the site. The evergreens surrounding the cabin site will also help limit visibility of the cabin from this road.

If recommended by the County, the applicants will add natural screening in the form of vegetation and berms to limit the visual impact from the county road and to maintain the scenic quality of the area for the public.

5. BUILDING DESIGN AND THE NATURAL TOPOGRAPHY AND VEGETATION

County regulations require that the Scenic Quality Report includes information regarding the following: *Evidence to demonstrate that the site improvements are designed and/or oriented in ways that allow them to blend in with and utilize the natural topography and vegetation. The report shall include, but not be limited to, site photos, perspective sketches, photo-simulations and/or three-dimensional models at an appropriate scale.*

The proposed cabin is sited within an existing clearing on one of the most buildable and level portions of the lot. The floor elevation of the cabin will be approximately 60 feet lower than the road, with the driveway access to the east as CR 35 rises up past the building site. The proposed cabin would be obscured from this SE view from CR 35 above and slightly west of the building site. Approx. location marked with star, but behind and obscured by the evergreen trees.

The cabin design is shown on the applicant's draft floor plans and elevations included with this application.

6. TOPSOIL, UTILITIES, LIGHTING AND DRIVEWAYS

This section describes design features associated with topsoil, location of utilities, exterior lighting, and any proposed driveways.

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 how it will be replaced and reused for re-grading and re-vegetation purposes

Any topsoil found during excavation will be stock-piled and utilized for landscaping and screening from CR 35. Extra dirt from foundation will be used to create a berm on the east of the cabin as well.

b) Utilities

County regulations require that the project should include the following:

Location and installation of utilities in ways that will minimize impacts to the view shed and natural environment.

The project includes a proposed underground septic system septic tank and leach field, a water cistern to be located in the crawlspace, solar panels with battery storage, and a propane powered backup generator.

Septic: The septic system location was selected based on site accessibility and proximity to the chosen cabin site. Trautner GeoTech is has completed three test holes and is ready to finish the design once the cabin is approved to proceed. The septic system will maintain a 100-ft minimum clear radius from existing water sources.

Water: An underground water storage tank with hauled water to the property will be located in crawlspace.

Power/heating: The primary heat source is proposed to be a wood burning stove, with portable individual electric heating units as supplemental heat. Electric appliances and heating units will be powered by solar power or with the backup propane generator, depending on circumstances. The solar panels will be located on the cabin, west side of the roof to shield them from view from CR 35 as approached from the east.

Septic System: An OSWTS will be installed per SJHD guidelines, designed by Trautner GeoTech. Location is called out on site plan.

All the utilities will be installed with the least amount of disturbance possible to the natural environment.

c) Exterior Lighting

County regulations require that the project should include the following:

Exterior lighting shall preserve the Dark Sky environment and view of the stars. 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 the project will be incorporated in all locations necessary to safely access the cabin. All exterior lighting will be fully shielded, will be compatible with the rural mountain character of the area, and will be in conformance with the requirements of San Juan County Dark Sky requirements.

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 is currently an existing access driveway for this project, which is located off the south side of County Road 35. The starting elevation is approximately 11,200 and has very little slope to the cabin. The driveway is established and is in good working order. CR 35 continues to climb past the site, so the cabin location is below CR 35, keeping the historic and scenic views intact from CR 35 as one passes above the cabin.

7. BUILDING MATERIALS

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

Provide written descriptions and photos of the proposed building materials, colors and textures. Utilizing and integrating elements, colors and textures found naturally in the landscape and prohibition of reflective materials such as highly reflective glass or metals

The proposed cabin will include the following materials:

- Weathered wood siding
- Dark colored rusted metal roof
- Dark colored window sashes/frames to match metal and/or wood siding
- Low-reflective glass on more expansive glazing, and glazing is not seen from the approach on CR 35.

8. CONCLUSION

This project aims to conform to the County Scenic Quality Regulations as shown in this report and is believed to do so as summarized below:

- The applicant has chosen a building site that will have little impact to the natural landscape since the County Road and site access already exists.
- All proposed utilities will be installed to minimize visual obstructions.
- The material palette allows the structure to blend and not compete with its natural surroundings.
- The site doesn't impede on the historic miners shed but lets it stand alone, preserving the views of the historic site from CR 35.

Thank you for your review and consideration of the proposed Cole Cabin located on the Mineral King MS 2051. If you have any questions or need additional information, please contact FeeneyArchitect at 970-749-6787.

MEMORANDUM

July 12, 2023

TO: Board of County Commissioners

FR: William A. Tookey

RE: Amend Chapter 10 Floodplain Hazard Areas of the Zoning and Land Use Regulations

The Planning Commission reviewed and the Commissioners previously approved an amendment to Chapter 10 of the Zoning and Land Use Regulations to adopt the new Flood Insurance Rate Maps for the National Flood Insurance Program. The previous study and maps were dated March 1978 the new ones became effective May 9, 2023.

This was also done to come into compliance with FEMA. Failure to be in compliance with FEMA could prevent property owners from purchasing flood insurance. However, FEMA felt that Chapter 10 of the Zoning and Land Use Regulations was lacking as it hadn't been updated since 1978. The proposed Chapter 10 Floodplain Damage Prevention is based upon the Colorado Model Floodplain Ordinance.

The San Juan Regional Planning Commission reviewed Resolution 2023-06 and the Amended Chapter 10 at their regularly scheduled Planning Commission Meeting of June 20, 2023. It was the unanimous recommendation of the Planning Commission that the Board of County Commissioners adopt Resolution 2021-06 and Amend Chapter 10 of the Zoning and Land Use Regulations as submitted.

A copy of the proposed Resolution 2023-06 and the amended Chapter 10 are included.

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

June 20,2023

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission:

RE: Improvement Permit Application:
David Cole, Mineral King MS 2051
Sketch Plan for the Development of a
Single-Family Dwelling and Associated
Utility Improvements Located in
Prospect Gulch Adjacent to CR 35

At a regular meeting of the San Juan Regional Planning Commission on June 20, 2023, members of that Commission discussed the Sketch Plan Application for Mineral King MS 2051.

After discussion the members made a motion to recommend that the San Juan County Commissioners approve the Sketch Plan Application for the development of a single-family dwelling and associated utility improvements located in Prospect Gulch adjacent to CR35 with the conditions as presented by staff.

Thank you for considering this recommendation.

Sincerely,
Jim Weller, Chairman
and the Planning Commission Members

RESOLUTION 2023-06

A RESOLUTION AMENDING THE ZONING AND LAND USE REGULATION CONCERNING FLOODPLAIN MAPS AND FLOODPLAIN REGULATIONS

WHEREAS, Federal Emergency Management Agency (FEMA) has produced a new Flood Insurance Study (FIS) and Floodplain Insurance Rate Map (FIRM) for San Juan County; and

WHEREAS, San Juan County has been mandated by FEMA and Colorado Water Conservation Board (CWCB), together with federal and state law, to adopt the new maps or risk being suspended from the National Flood Insurance Program (NFIP); and

WHEREAS, loss of the NFIP participation will result in harm to citizens of San Juan County who need and obtain flood insurance to protect their property through the NFIP; and

WHEREAS, to avoid loss of the NFIP participation, San Juan County will follow the mandate of FEM and CWCB and adopt the new floodplain maps; and

WHEREAS, Section 13-111 of the San Juan County Zoning and Land Use Regulation allows for the amendment of that regulation by the Board of County Commissioners; and

WHEREAS, amendments to the San Juan County Zoning and Land Use Regulation have been reviewed by the San Juan Regional Planning Commission during their regular meeting of June 20, 2023; and

WHEREAS, a public hearing has been conducted by the Board of County Commissioners on the proposed amendments, having been properly noticed in accordance with Section 13-111 of the San Juan County Zoning and Land Use Regulation; and

WHEREAS, the Board of Commissioners held a public hearing on July 12, 2023 to receive public comment and determined that the adoption of these amendments promotes the health, safety and welfare of its citizens and the general public.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of San Juan County, that Chapter 10 of the San Juan County Zoning and Land Use Regulation shall be amended as attached and incorporated within this resolution, are hereby adopted; and

BE IT FURTHER RESOLVED that upon adoption of this resolution, the amendments to the San Juan County Zoning and Land Use Regulation shall be filed in the office of the County Clerk & Recorder and indexed in the manner prescribed by law.

READ, PASSED AND ADOPTED this 12th day of June, 2023 by the Board of Commissioners of San Juan County, Colorado.

Attest:

Austin Lashley, Chair

Ladonna Jaramillo

Clerk and Recorder

Pete Maisel

Scott Fetchenhier

CHAPTER 10 FLOOD DAMAGE PREVENTION

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TITLE AND PURPOSE

10-101

10-101.1 STATUTORY AUTHORIZATION

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the County Commissioners of San Juan County, Colorado, does hereby adopt by Resolution Chapter 10 Floodplain Damage Prevention Regulation (Regulation):

10-101.2 FINDINGS OF FACT

- (1) The flood hazard areas of Unincorporated San Juan County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

10-101.3 STATEMENT OF PURPOSE

It is the purpose of this Regulation to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

10-101.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, the following methods shall be used:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

DEFINITIONS

10-102

Unless specifically defined below, words or phrases used in this Regulation shall be interpreted to give them the meaning they have in common usage and to give this Regulation its most reasonable application.

100-YEAR FLOOD - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

AREA OF SHALLOW FLOODING - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – The flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

BASE FLOOD ELEVATION (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

BASEMENT - Any area of a building having its floor sub-grade (below ground level) on all sides.

CHANNEL - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION - The artificial creation, enlargement or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR) - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

COMMUNITY - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY – A structure or related infrastructure, but not the land on which it is situated, as specified in Section 10-105.8, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 10-105.8.

DEVELOPMENT - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM DATABASE - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL REGISTER - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

FLOODPLAIN ADMINISTRATOR - The community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed

within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management Regulation.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning regulation, subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain Regulation) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FREEBOARD - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily

determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR) - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LEVEE – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION – The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR) - FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

THRESHOLD PLANNING QUANTITY (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE - A grant of relief to a person from the requirement of this Regulation when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

GENERAL PROVISIONS

1-103

10-103.1 LANDS TO WHICH THIS REGULATION APPLIES

These Regulations shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of San Juan County, Colorado.

10-103.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for San Juan County, Colorado and Incorporated Areas" dated May 9, 2023 with accompanying Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of the Zoning and Land Use Regulation. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Regulation and may be supplemented by studies designated and approved by the San Juan County Commissioners. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

10-103.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Regulation.

10-103.4 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of the Zoning and Land Use Regulation and other applicable regulations. Nothing herein shall prevent the San Juan County Commissioners from taking such lawful action as is necessary to prevent or remedy any violation. These Regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

10-103.5 ABROGATION AND GREATER RESTRICTIONS

This Regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and other regulations, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10-103.6 INTERPRETATION

In the interpretation and application of this Regulation, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

10-103.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This Regulation does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Regulation shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.

10-103.8 SEVERABILITY

This Regulation and the various parts thereof are hereby declared to be severable. Should any section of this Regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulation as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ADMINISTRATION

10-104

10-104.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Land Use Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Regulation and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

10-104.2 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Regulation, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 10-115.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Regulation.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Regulation, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

10-104.3 PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be

floodproofed;

3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 10-105.2-2;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
5. Maintain a record of all such information in accordance with Section 10-104.2;

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Regulation and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

10-104.4 VARIANCE PROCEDURES

1. The Appeal Board, as established by the Community, shall hear and render judgment on requests for variances from the requirements of this Regulation.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Regulation.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such

decision in the courts of competent jurisdiction.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Regulation.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 10-104.3 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this Regulation, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Regulation as stated in Section 10-101.3
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Regulations.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements

and for other development necessary for the conduct of a Functionally Dependent Use provided that:

- a. The criteria outlined in Section 10-104.4 are met, and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-104.5 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Regulation and other applicable regulations. Violation of the provisions of this Regulation by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this Regulation or fails to comply with any of its requirements shall upon conviction thereof be fined as provided by the laws of San Juan County. Nothing herein contained shall prevent San Juan County from taking such other lawful action as is necessary to prevent or remedy any violation.

PROVISIONS FOR FLOOD HAZARD REDUCTION

10-105

10-105.1 GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This

requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

10-105.2 SPECIFIC STANDARDS

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Sections (i) 10-103.2, (ii) 10-104.2-7, or (iii) 10-105.7, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 10-105.8, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 10-104.3

3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest

floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or

Meet the permit requirements of Section 10-104.3, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by San Juan County or a CLOMR was issued by FEMA prior to May 9, 2023 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

10-105.3 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the Special Flood Hazard Area established in Section 10-103.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 10-105.8, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 10-104.3, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

10-105.4 FLOODWAYS

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Article 2). Located within Special Flood Hazard Area established in Section 10-103.2, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If Section 10-105.4-1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

10-105.5 ALTERATION OF A WATERCOURSE

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules and Regulations.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and San Juan County floodplain requirements and Regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 10-105.4.
7. Maintenance shall be required for any altered or relocated portions of watercourses so

that the flood-carrying capacity is not diminished.

10-105.6 PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. RESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

2. NONRESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

10-105.7 STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sections 10-103.3; 10-104.3 and the provisions of 10-105 of this Regulation.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sections 103.2 or 104.2 of this Regulation.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-105.8 STANDARDS FOR CRITICAL FACILITIES

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the San Juan County Commissioners to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the San Juan County Commissioners that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or

other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the San Juan County Commissioners on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Regulation, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not

manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care (nursing homes);
- ii. Congregate care serving 12 or more individuals (day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the San Juan County Commissioners that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Regulation, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the San Juan County Commissioners on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Regulation, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the San Juan County

Commissioners, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

CERTIFICATION

It is hereby found and declared by San Juan County

that flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this Regulation become effective immediately.

Therefore, an emergency is hereby declared to exist, and this Regulation, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED:

Austin Lashley, Chariman

Scott Fetchenhier

Pete Maisel

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of a Land Use Regulation duly adopted by the San Juan County Commissioners at a regular meeting duly convened on _____.
(date)

(Secretary or responsible person)

(SEAL)



Willy Tookey <admin@sanjuancolorado.us>

Baker's Park Groundbreaking

1 message

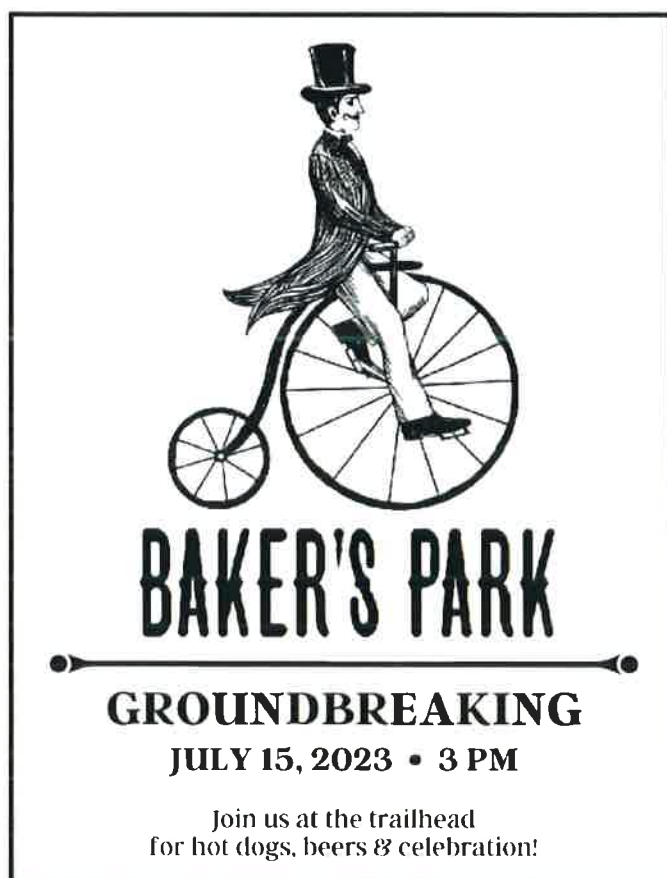
Klemens Branner <klem@silvertonsingletrackociety.org>

Thu, Jul 6, 2023 at 4:28 PM

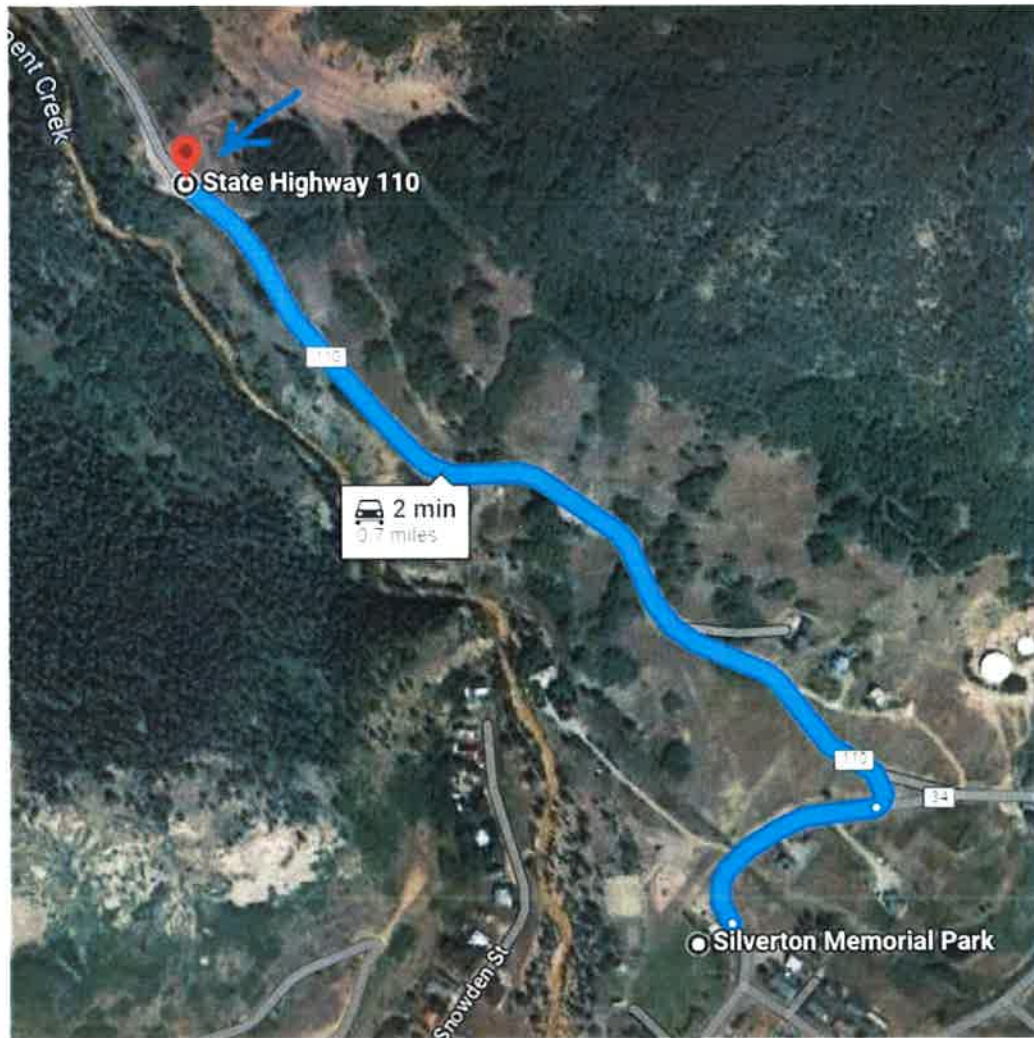
To: Austin Lashley <commissioner.lashley@sanjuancolorado.us>, sjcom.fetch@gmail.com, pete@maiselx.com, Willy Tookey <admin@sanjuancolorado.us>

Hi Commissioners & Willy,

Groundbreaking for the Baker's Park is a little over a week away (Saturday, July 15th at 3 pm) and we are excited to move some dirt and celebrate. Please join us at the trailhead site so that we can recognize your support of this project!



The future site of the Baker's Park trailhead is located on County Road 110, about 0.7 miles north of Memorial Park at the point where the pavement ends (just before the sign/pullout on the left). Parking is available at the pullout but space is limited so we encourage you to ride your bike or carpool. We'll have some signs posted to help you find your way.



Please let me know if you have any questions, and we are looking forward to celebrating with you on July 15th!

Thanks,

Klem

Klemens Branner
Silverton Singletrack Society
PO Box 472 | Silverton, CO 81433
silvertonsingletracksociety.org



SUMMARY FORM

APPLICANT INFORMATION

Name: Willy Tookey **Title:** Administrator
Organization Name: San Juan County
Organization Type: County
Phone: 970-387-8040 **Email:** admin@sanjuancolorado.us
Partnering Conservation Southwest Conservation Corps - Four Corners
Service Corps:

TECHNICAL CONTACT INFORMATION

Contact person for coordination of technical aspects of project (if different from applicant, above)
Name: Klemens Branner **Title:** President
Organization Name: Silverton Singletrack Society
Phone: 970-769-5357 **Email:** klem@silvertonsingletracksociety.org

PROJECT INFORMATION

Project Title: Baker's Park Trall System
Property Name: Hancock Gulch Area
Landowner Name: Bureau of Land Management
Property Type: Publicly owned open space
County/Counties: San Juan

What entities will facilitate the required 4 hours of education per week: (check all that apply)

☒ Applicant ☒ Conservation service corps ☐ External facilitator ☒ BLM, IMBA, SSS, Town
 Other: of Silverton, or local businesses

BUDGET INFORMATION

Select from the pulldown menu the type of conservation service corps crew requested and number of weeks for that crew type:

Example **Crew Type:** *Select a Crew Type* **Weeks:** 6 **Total \$:** \$16,700

Crew Type: Camping Crew - \$8,675/wk	Weeks: 6	Total \$: \$52,050
Crew Type: Select a Crew Type	Weeks:	Total \$:
Crew Type: Select a Crew Type	Weeks:	Total \$:
Crew Type: Select a Crew Type	Weeks:	Total \$:

TOTAL AMOUNT REQUESTED: \$52,050

MATCH INFORMATION

Please input the matching funds provided, cash or in-kind (if applicable):

Item	Source	Calculation	Cost
Example: Chipper	Trees R Us	4 weeks at \$1,000/wk	\$4,000
Cash Match	Silverton Society	Singletrack	\$5,205

TOTAL MATCH PROVIDED: \$5,205

BRIEF PROJECT DESCRIPTION

In the box below, provide a brief summary/overview of your proposal (100 words or less):

Baker's Park will create approximately 30 miles of shared-use singletrack on BLM lands adjacent to Silverton, for pedestrians and bikers of all skill levels. This project will offer health and economic benefits, provide recreation opportunities, foster community involvement and identity, supply educational experiences, and preserve open space. The Southwest Conservation Corps spent 2 weeks clearing trail corridor in 2022 and will be returning for 6 weeks of work in 2023. We are requesting a grant to continue this partnership in summer of 2024. Educational elements will focus on the outdoor recreation industry.

Important Links[Silverton Area Trails Plan](#)[Baker's Park Concept Plan](#)[BLM Silverton Travel Management Plan](#)[Phase One Design Brief](#)[Town of Silverton Compass Master Plan](#)

PROJECT OVERVIEW, NEED, and BENEFITS

Project Overview: Silverton Singletrack Society (SSS) is a non-profit trails group dedicated to promoting mountain biking in Silverton and San Juan County (SJC), Colorado. After organizing as a chapter of the International Mountain Biking Association (IMBA) in May of 2014, SSS set to work organizing numerous workdays on area trails including the Rainbow Route, Boulder Gulch Trail and Bear Creek Trail in SJC. With financial support from SJC, SSS hired IMBA's Trails Solutions group to develop a concept plan for the Baker's Park Trail System in 2018-2019.

After a 3-day scoping visit with the Bureau of Land Management (BLM) and SSS in Fall 2018, IMBA created the [Baker's Park Concept Plan](#) which maps out approximately 30 miles of new singletrack trails on BLM lands directly adjacent to Silverton (see Maps 1 & 2), of which about 24 miles will be shared use, and nearly 6 miles will be one-way trails specifically designed for mountain biking only. The final design will include options for all users, from hikers to trail runners and beginners to advanced level mountain bikers.

After Baker's Park received local government and BLM approvals, IMBA returned in Spring 2021, flagging 10 miles of trail and creating a Phase One Design Brief that outlines a plan for construction of initial trails, a trailhead parking lot and associated facilities. The Design Brief details 3 segments to be built: 1) The 100 series is the access trail from the parking lot for all users, rated green; 2) The 200 series is a climbing trail rated blue and appropriate for bikers and hikers; and 3) The 300 series is a shared use trail with bike optimized flow turns recommended to be navigated in a counterclockwise direction. Two progressive skills loops have also been flagged. Please see Map 3 and the [Phase One Design Brief](#) for more information.

BLM approval of Phase One alignments was received in Spring 2022 and SSS began project construction in August 2022 with 2 weeks of corridor clearing by the Southwest Conservation Corps – Four Corners (SWCC), funded by a GOCO/Colorado Youth Corps Association grant. Work on Phase One trails will continue in Summer 2023 with 13 weeks of work by IMBA Trails Solutions and 6 weeks from SWCC. Due to the difficult access and terrain, we envision a two-year build process to complete these first ten miles of trail, with 3 miles being roughed-in during summer 2023, and remaining rough-in and finish work for the full ten miles happening with the assistance of multiple crews in summer 2024. Pending funding, we hope to flag trail alignments for Phases Two and Three during Summer 2023 so that construction on successive phases can begin once Phase One construction is complete.

Construction methods will include both mechanized and hand-built techniques. IMBA Trails Solutions will be hired for the machine-built segments, with SWCC members and volunteers completing hand-built segments and finish work. There is a significant amount of blow-down in the area, necessitating the use of a chainsaws. We hope to continue to partner with the Four Corners branch of the SWCC in 2024 for corridor clearing including felling trees, clearing brush, moving rocks and scattering woody debris, as well as hand-building and hand-finishing work.

The educational component of this project may involve guest speakers from BLM, Town of Silverton (TOS), SSS, and local businesses like Pedal the Peaks and Venture Snowboards, who will engage Corps members on a variety of topics related to the outdoor recreation industry. Presentations may focus on subjects like economic development, health and wellness, stewardship, sustainability, entrepreneurship,

outdoor recreation careers, non-profit and public sectors, ski area operations, manufacturing, and more.

Project Need & Benefit: As the only incorporated town in SJC, Silverton is an isolated rural community of approximately 700 year-round residents. Formerly a bustling mining town, when the last hard rock mine closed in 1992, the loss of this key industry brought economic hardship to the community. The town has reinvented itself through tourism, relying heavily on the summer season (June – Sept.), the Durango & Silverton Narrow Gauge Railroad, and motorized users as economic drivers. The winter economy is slowly growing after the establishment of Silverton Mountain in 2002. However, once the train stops running in October and 4X4 roads close due to snow, many business owners board up their windows and leave town until spring. This creates a seasonal boom/bust cycle, making it difficult for the community to attract and retain new residents and businesses, or to support the public services and facilities found in larger, more economically vibrant communities. To access basic services like health care, banks, and grocery stores or youth enrichment activities like recreation centers, pools or sports leagues, local families must drive 50+ miles over treacherous mountain passes.

Diversification of the economy and the development of non-motorized trails have been identified as key goals in several community planning documents, including the recent TOS Compass Master Plan which calls out Baker's Park as a priority project. We believe that development of singletrack trails will create an economic driver for the shoulder seasons that is on par with summer, and that offering more year-round recreational opportunities in the area will provide an amenity to attract and retain new year-round businesses and residents. Additional desired outcomes include better access to recreation opportunities for our local population, and promoting healthy lifestyles through outdoor recreation.

It is worth noting that BLM lands in SJC currently have fewer than 10 miles of trails that are open to mountain bikes and no purpose-built bike trails exist anywhere in the county. Most of the trails accessible to Silverton residents without a car ride are unmaintained mining roads and historic pack mule trails which are steep, highly technical, prone to washouts, and often become braided as users seek an easier way down. The majority of these trails are rideable only by advanced and expert mountain bikers. Baker's Park promises an easily accessible, well-rounded experience for riders of all skill levels that will minimize resource damage with properly built, easy to maintain trails, reduce user conflict by providing discrete places for mountain bikers to ride, and enhance the community's economy and quality of life.

PLANNING & READINESS, and SUSTAINABILITY

Baker's Park was approved by TOS and SJC as part of the 2019 [Silverton Area Trails Plan](#) (SATP), a county-wide master plan for non-motorized recreation in SJC that was adopted by both governing bodies in February 2019. The SATP process included robust community engagement, and surveys showed 78% of respondents were fully in favor of the plan. Baker's Park is one of 14 projects identified in the SATP, and thanks to SSS's efforts, is the first to move forward. More information about the trails process, the final draft of the SATP and all public comment are available on the [TOS website](#).

Baker's Park was approved in the [Silverton Travel Management Plan](#) (TMP) (DOI-BLM-CO-F070-2019-0008-EA), prepared by the BLM Gunnison Field Office. The TMP process included a rigorous review and evaluation for potential environmental, cultural, and resource impacts, as defined by the National Environmental Policy Act of 1969 (NEPA). The TMP was completed in September 2020, and made two

changes to the original Baker's Park plan: 3.5 miles of trail in Zone 4 were eliminated to mitigate wildlife impacts and class 1 e-bikes were allowed on the trail system (compare Maps 2 & 4). In addition, the BLM agreed to implement a dated closure for the trails from Dec. 1 – April 30, to address Colorado Parks & Wildlife concerns about stresses on wintering elk. Cultural and biological inventories for Phase One trails were completed and construction authorized in Spring 2022, and trail work began in August 2022. Additional clearances will be obtained from the BLM as Phase Two and Three trails are flagged.

Baker's Park was identified as a priority project in the TOS [Compass Master Plan](#), adopted in September 2022. This plan will be used to guide decisions and actions that affect the form and function of town for the next ten plus years and provides a basis for town decision-making. It was shaped by a significant public engagement process from March 2021 - June 2022 with more than 75 opportunities for the community to engage and over 350 community members participating. One of the six community goals identified in the plan is to "Create a resilient, year-round economy that supports a strong, livable community." In Strategy A: Expand Winter and Shoulder Seasons to Enhance Year Round Economy, Item 3 calls out the Baker's Park project as a short-term action item: "Continue to support Silverton Singletrack Society with Baker's Park mountain bike and hiking trail development."

There is only one parcel of private land in the project area and SSS has a signed agreement with the property owner for an easement across this parcel. A potential barrier to fulfilling the requirements of this grant by 12/31/24 is the short building season in the high country (Silverton is located at 9,318 feet above sea level) and a possible late start or early finish due to snow.

SSS will provide maintenance for the Baker's Park trail system once it is built, and will mobilize its volunteer base, partner with other regional trail groups and/or hire maintenance crews for this purpose. To ensure the organization's ability to be responsive to future trail maintenance needs, SSS has secured a Volunteer Agreement with the BLM which allows them to undertake trail building and maintenance projects independently on BLM lands in SJC. In addition, 15 members of SSS recently participated in an IMBA Trail Building School to hone their trail building technique. To ensure sufficient resources for maintenance, SSS is planning to create a trail endowment fund.

SSS is spearheading a variety of fundraising efforts and has retained a volunteer grant writing professional to secure the necessary funding. IMBA has provided technical assistance in this area and helped SSS secure a BLM grant for flagging Phase One. The BLM has committed to \$50,000 of in-kind work for the trailhead parking lot, facilities and signage, and contributed \$15,000 toward flagging Phase One. SJC has been an early and ongoing supporter, unanimously adopting the SATP, contributing \$11,000 for the Concept Plan, pledging an additional \$11,000 in cash and \$20,000 for in-kind work, and serving as a fiscal sponsor for grants. TOS has provided support through the SATP process, cash donations of \$35,000, and the promise of in-kind assistance. The Boost Baker's Park campaign has raised \$44,675.15 from 236 donors to date, demonstrating broad community support from organizations, businesses and individuals. In addition, Colorado Parks and Wildlife recently awarded SSS a \$250,000 Non-Motorized Trails Construction Grant. Continued partnership from all of these entities is anticipated as Baker's Park moves forward.

SSS's objectives for Baker's Park include: creating a shared-use trail system for a wide spectrum of users; increasing availability of bike optimized trails in the area; ensuring a variety of skill levels are represented; highlighting and protecting the natural beauty of the San Juan Mountains; fostering partnerships; minimizing user conflict; creating easy and equitable access to outdoor recreation;



PROPOSAL NARRATIVE

creating an environmentally and socially sustainable trail system; providing economic and health benefits to residents and visitors; and engaging youth in service to the community and stewardship of public lands.

SSS is deeply grateful for the past support provided by GOCO and the Colorado Youth Corps Association for the Baker's Park project, which enabled us to start construction of the project last summer and will help us build on that momentum in summer 2023. We look forward to the continuation of this partnership and thank you for your kind consideration of this request.

ASSURANCE

I certify that I am authorized to sign on behalf of the applicant and that, if awarded a grant for this project, the applicant will comply with the grant administration requirements of both GOCO and CYCA. I further certify that the applicant collaborated on this proposal with the conservation service corps indicated and that the conservation service corps is fully aware of and agrees to the scope of the project, budget, and timeline.

Name and title of conservation service corps staff consulted on this proposal:

Name: Lisa Slupianek

Title: Adult Programs Director
Southwest Conservation Corps

AUTHORIZATION TO RELEASE FUNDS

Applicant recognizes that it will not receive payment from GOCO. By its signature below, applicant hereby authorizes GOCO to make payment on its behalf directly to CYCA in the event this project is chosen for funding.

SIGNATURE

(electronic and pdf signatures are accepted)

Name: Willy Tookey

Title: Administrator

Organization Name: San Juan County

Signature:

Date:



COUNTY ASSESSOR
1557 Greene Street, P.O. Box 596
Silverton, CO 81433

Phone: 970-387-5632
E-mail: assessor@sanjuancolorado.us
Web: sanjuancounty.colorado.gov/assessor



July 7, 2022

San Juan County Board of Equalization:

The following information is reported to the CBOE each year pursuant to § 39-8-105, C.R.S.

1) Assessed Value:

The total assessed value of all taxable property in San Juan County after assessor protest adjustments, but prior to CBOE adjustments is **\$75,717,916**. The assessed value could be reduced by CBOE adjustments, subsequent higher-level appeals, the outcome of Proposition HH, and/or further legislative action.

2) Real Property Protests:

The Assessor's office received protests on 208 accounts.

- 116 Mining Claim accounts (vacant land)
- 26 Vacant Land (not including mining claims)
- 43 Residential (including mining claims)
- 23 Commercial and Mixed Use (including mining claims)

3) Personal Property:

No Personal Property protests were received. There are 4 businesses that own taxable Personal Property but failed to return a declaration in accordance with § 39-3-119.5, C.R.S. The Assessor's office valued these accounts using the best information available.

Account Name

P21019	Larry and Jessica Gallegos (San Juan Backcountry)
P20510	American Heritage Railways Hotels (Grand Imperial)
P30038	Core Mountain Enterprises LLC (Silverton Mountain)
P22023	Fred Fasching James & Mikki Gallandat (Alma House)

4) Movable Equipment Apportionments (Oil/Gas Drilling Rigs): None

Kimberly Buck
San Juan County Assessor



BIGHORN

CONSULTING ENGINEERS, CO.

386 Indian Road, Grand Junction, CO 81501 ♦ Phone: (970) 241-8709 ♦ www.bighorneng.com

June 26, 2023 **REVISED June 30, 2023**

David Singer
Silverton Restoration Consulting
PO Box 295
Silverton, CO 81433

RE: Miner's Hospital Silverton

Dear David:

Bighorn Consulting Engineers is pleased to provide you with this proposal for mechanical, plumbing, and electrical engineering services for the above-referenced project. The project involves the following:

The building is a 7300 ft², three-story structure built in about 1908 that was originally used as a hospital and is currently being used as a county health clinic facility. The existing coal-fired, steam boiler is located in a basement mechanical room and the boiler dates to the original construction. Steam and condensate piping is routed in an exposed fashion to radiators throughout the building. The existing piping is threaded steel. There are no steam traps on any of the radiators.

Currently, it has been noted that steam pressure is not able to be maintained and a search for a leak in either the steam piping, condensate piping, or the boiler itself is being conducted at this time as this boiler system will need to heat the building in the coming winter.

The project will involve the upgrade of the heating system for the building. The intent is to replace the existing steam boiler, piping, and radiators with a new system. A new electric, hydronic heating boiler plant with two modules, new piping, and new terminal heating units is to be considered as the basis of design. A new three phase electric service is to be installed on the building as the new electric boilers will require this type of power.

The existing boiler is to be abandoned in place and the piping in this existing boiler room is to be removed. A new "floor" over the existing boiler would provide the space needed for the new boiler plant and equipment.

This design proposal will include two phases. Phase I will include preliminary design work to provide enough information for contractor pricing. This pricing would be used to develop the grant application information for funding. This will most likely include an MEP narrative that describes the system and its capacities. Phase II would include final design drawings and specifications that would be used for contractor bidding and construction of the project after funding is obtained. Phase II design scope and design schedule are contingent upon receiving grant funding and Phase II design work would not begin until approved by the county after funding has been approved.

Mechanical scope will include the design of the new electric heating water boiler plant including boiler modules, pumps, tanks, piping, terminal units, and controls.

Electrical scope will include the design of a new three-phase electric service to the building, power for the new boilers and equipment, and backfeeding of the existing electrical service.

We will provide:

1. A site trip during design to determine existing conditions.
2. Construction drawings and specifications for mechanical, electrical, and plumbing systems.
3. Mechanical and energy compliance reports.
4. Construction administration including shop drawing and submittal review, and two trips during construction – one at rough-in and one at substantial completion.

Not included in this scope of work is the following:

1. Re-design after Value Engineering due to budget constraints.
2. Re-design after completion of Construction Documents.
3. LEED energy modelling or documentation for compliance.

Our fee for the service above will be:	\$ 2,500.00	Phase I
	\$ 14,500.00	Phase II**

****Phase II is subject to receiving grant funding**

Sincerely,

M. Blaine Buck

M. Blaine Buck, P.E.
President

Proposal Accepted:

Signature _____

Title _____

Company _____

Date _____

Standard Terms and Conditions

Payment to the Firm shall be due upon receipt of the Firm's invoice and not contingent upon receipt of funds from other parties.

Bighorn Consulting Engineers (BCE) services shall be provided consistent with and limited to the professional standard of care which is the skill and care ordinarily provided by similarly situated professionals practicing in the same or similar locality under the same or similar circumstances. Such standard of care is not a warranty or guarantee, either express or implied, and consultant shall have no such obligation. Accordingly, Client shall provide appropriate contingencies in both schedule and cost. Schedule changes due to unexpected events outside Consultant's reasonable control including, but not limited to, Acts of God, disease, government shutdown, government regulations, IT terrorism/ransom, shall be accommodated without penalty.

BCE shall not be responsible for the statements, performance, acts, errors, or omissions of any person or entity not under its direct control.

The Firm's work does not include any services related to asbestos abatement and/or hazardous or toxic materials.

BCE shall have no other duties or responsibilities except those set forth above/below except as agreed to in writing.

Construction Observation Trips shall be for observation and recommendations only. These site visits are for familiarity of the work and not to guarantee installation and workmanship of the contractor.

Either Client or Firm can terminate services at any time should the other fail to fulfill obligations herein. Prior to terminating this Agreement for breach or non-performance, a Party must provide seven days written notice to the other Party of such breach or non-performance and provide such Party an opportunity to correct such breach or non-performance within that seven-day period. Upon termination, the Client shall pay the Firm for services provided to the date of termination.

BCE shall have no control over means and methods of construction, schedule of construction, procedures, or safety precautions of the job site.

BCE shall be compensated for scope of work changes or redesign due to Client changes.

Notwithstanding any other provision, BCE shall retain all rights of ownership and use of its skills, knowledge and experience that have a general applicability, including such skills, knowledge or experience gained by the Firm in connection with performing service for the Project. Such knowledge and experience include, but are not limited to standard arrangements and configurations, individual standard features, details, and design elements, specification, general notes, and design templates. BCE shall also own all documents produced by the firm. The Client shall not use these documents in any other endeavor without written consent from the firm.

This Agreement and the design may not be transferred or assigned by either Party without written consent.

Notwithstanding any clause or provision in this Agreement or any other applicable Agreement to the contrary, Consultant's only obligation with regard to indemnification shall be to indemnify and hold harmless (but not defend) the Client, its officers, directors, and employees from and against those damages and costs that the Client is legally obligated to pay as a result of third party tort claims, to the extent caused by the wrongful misconduct or negligent act, error or omission of the Consultant or anyone for whom the Consultant is legally responsible, subject to any limitations of liability contained in this Agreement.

The Client shall indemnify to the fullest extent of the law, BCE, its employees and sub-consultants from and against all damage, liability, and costs including reasonable attorney's fees and defense costs in any way connected with the performance by any of the parties listed, except those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the Firm.

To the fullest extent permitted by law, the total liability, in the aggregate, of BCE, BCE's officers, directors, partners, employees, agents, and subconsultants, to the Client, and anyone claiming by, through, or under the Client for any claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to this Project or Agreement from any cause or causes, including but not limited to negligence, professional errors and omissions, strict liability, breach of contract, or breach of warranty, shall not exceed the total compensation received by BCE or \$50,000 whichever is greater. The Client may negotiate a higher limitation of liability for a reasonable additional fee, which is necessary to compensate for the greater risk assumed by BCE.

Agency contracted with CDHS – State Unit on Aging: San Juan Basin Area Agency on Aging, Inc.		Option Letter Number
Subcontractor: San Juan County		Contract Number
Current Contract Maximum Amount		SJBAAA Option Letter Contract #
Initial Term for SFY24 (Year 1/4) 07/1/2023 to 06/30/24		24 IHEA 181459
Extension Terms		Contract Performance Beginning Date
State Fiscal Year 2025		July 1, 2023
State Fiscal Year 2026		Current Contract Expiration Date
State Fiscal Year 2027		June 30, 2024
GRAND TOTAL		


1. OPTIONS:

- A. Option to extend for an Extension Term.
- B. Option to change the quantity of Services under the Contract at the rates set by the Older Americans Act.

2. REQUIRED PROVISIONS:

- A. In accordance with Page 1, Paragraph "Options" on the Original Contract's Signature and Cover Page, and Page 4, Section 2(C) of the Original Contract referenced above, the State hereby exercises its option for an additional term, beginning July 1, 2023, and ending on the current contract expiration date shown above, at the rates stated in the Original Contract, as amended.
- B. In accordance with Page 1, Paragraph "Options" on the Contract's Signature and Cover Page, Page 9, Section 5(B)(v) of the Original Contract referenced above, and Page 2, Section 5(E) of Amendment 1, the State hereby exercises its option to increase the quantity of the Services for State Fiscal Year (SFY) 2024 at the rates mandated by the Older Americans Act.
- C. The SFY 2024 funds to the San Juan Basin Area Agency on Aging are increased in the amount of **\$1,580,376.00**. The Contract Maximum Amount table on the Contract's Signature and Cover Page is hereby deleted and replaced with the Current Contract Maximum Amount table shown above.
- D. Exhibit D-6, "Contract Budget", which is attached and incorporated by reference.
- E. Exhibit E-6, "Supplemental Provisions for Federal Awards" replaces previous Exhibit E-5, which is attached and incorporated by reference.

- 3. THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT.** Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

<p>SUBCONTRACTOR</p> <p>San Juan County</p> <p>Signed By: _____</p> <p>(Print Name)</p> <p>Date: _____</p>	<p>CONTRACTOR WITH CDHS</p> <p>San Juan Basin Area Agency on Aging 10 Burnett Court Suite 302A Durango, CO 81301</p> <p>970.264.0501 – telephone 970.403.9744 – mobile 888.290.3566 – fax director@sjbaaa.org</p> <p></p> <p>By: Christina Knoell, Executive Director</p> <p>Date: 6/28/2023</p>
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SUBCONTRACTOR agrees to place SJBAAA logo on all promotional materials that may include but are not limited to senior newsletters, press releases, and any brochures that relate to the services and programs funded by this Contract. Language should read as follows:



"Funding for Older Americans Act Programs is made possible by"

EXHIBIT D-6

Contract Budget

SFY 2024

San Juan County Home Chore Program

REGION 9

JULY 1, 2023, TO JUNE 30, 2024

Compensated Services		
Service	Contract Budget	
Chore	Change Service	\$10,968.00
TOTAL:		\$10,968.00

EXHIBIT E-6

Supplemental Provisions for Federal Awards

For the purposes of this Exhibit only, Contractor is also identified as “Subrecipient.” This Contract has been funded, in whole or in part, with an award of Federal funds. In the event of a conflict between the provisions of these Supplemental Provisions for Federal Awards, the Special Provisions, the Contract or any attachments or exhibits incorporated into and made a part of the Contract, the Supplemental Provisions for Federal Awards shall control. In the event of a conflict between the Supplemental Provisions for Federal Awards and the FFATA Supplemental Provisions (if any), and/or exhibit regarding SLFRF Federal Provisions, the terms re FFATA and/or SLFRF shall control. If the source of the funding of the Contract is a grant, these Federal Provisions are subject to the Award as defined in §2 of these Federal Provisions, as may be revised pursuant to ongoing guidance from the relevant Federal or State of Colorado agency or institutions of higher education.

1) Federal Award Identification

- i. Subrecipient: **San Juan Basin Area Agency on Aging, Inc.;**
- ii. Subrecipient Unique Entity ID number: **M94WNJTLAKY7;**
- iii. The Federal Award Identification Numbers (FAIN) are: Title III Part B – Supportive Services - 2301COOASS; Title III Part C1 – Congregate Meals - 2301COOACM; Title III Part C2 – Home Delivered Meals - 2301COOAHM; Title III Part D – Preventative Health - 2301COOAPH; TITLE III Part E - National Family Caregiver Support Program - 2301COOAFM; Title VII EA – Elder Abuse - 2301COOAEA; and Title VII Ombudsman – Ombudsman - 2301COOAOM
- iv. The Federal award date is **October 1, 2022;**
- v. The subaward period of performance start date is **10/01/2022** and end date is **09/30/2024;**
- vi. Federal Funds:

CONTRACT OR FISCAL YEAR	FUNDING PART	AMOUNT OF FEDERAL FUNDS OBLIGATED BY THIS CONTRACT	TOTAL AMOUNT OF FEDERAL FUNDS OBLIGATED TO THE SUBRECIPIENT	TOTAL AMOUNT OF THE FEDERAL FUNDS AWARD COMMITTED TO SUBRECIPIENT BY CDHS
07/01/2023 TO 06/30/2024	FEDERAL PART B	\$181,572.00	\$717,348.58	\$717,348.58
07/01/2023 TO 06/30/2024	FEDERAL PART C-1	\$242,524.00	\$1,120,563.38	\$1,120,563.38
07/01/2023 TO 06/30/2024	FEDERAL PART C-2	\$168,193.00	\$545,490.00	\$545,490.00
07/01/2023 TO 06/30/2024	FEDERAL PART D	\$13,038.00	\$49,215.00	\$49,215.00
07/01/2023 TO 06/30/2024	FEDERAL PART E	\$78,923.00	\$322,018.76	\$322,018.76
07/01/2023 TO 06/30/2024	FEDERAL ADMIN *	\$70,597.00	\$361,892.79	\$361,892.79
07/01/2023 TO 06/30/2024	FED ELDER ABUSE PREV.	\$902.00	\$3,637.00	\$3,637.00
07/01/2023 TO 06/30/2024	FEDERAL OMBUDSMAN	\$4,671.00	\$15,816.00	\$15,816.00
TOTAL		\$760,420.00	\$3,135,981.51	\$3,135,981.51
*Is comprised of 10% Federal Parts B, C-1, C-2, and E as authorized by the Older American's Act				

- i. Federal award project description: **Older Americans Act Title III – Grants for State and Community Programs on Aging and Older Americans Act Title VII – Allotments for Vulnerable Elder Rights Protection Activities;**
- ii. The name of the Federal awarding agency is **Department of Health and Human Services, Administration for Community Living**; the name of the pass-through entity is the State of Colorado, Department of Human Services (CDHS); and the contact information for the awarding official is **Percy Devine, 303.844.7815**;
- iii. The Catalog of Federal Domestic Assistance (CFDA) numbers are:

CONTRACT OR FISCAL YEAR	PROGRAM TITLE	GRANT #	CFDA #
07/01/2023 TO 06/30/2024	TITLE III B SUPPORTIVE SERVICES	2301COOASS	93.044
07/01/2023 TO 06/30/2024	TITLE III C1 CONGREGATE MEALS	2301COOACM	93.045
07/01/2023 TO 06/30/2024	TITLE III C2 HOME-DELIVERED MEALS	2301COOAHM	93.045
07/01/2023 TO 06/30/2024	TITLE III D PREVENTIVE HEALTH	2301COOAPH	93.043
07/01/2023 TO 06/30/2024	TITLE III E NFCSP	2301COOAFM	93.052
07/01/2023 TO 06/30/2024	TITLE VII ELDER ABUSE PREVENTION	2301COOAEA	93.041
07/01/2023 TO 06/30/2024	TITLE VII OMBUDSMAN	2301COOADM	93.042

- iv. This award is **not** for research & development;
 - v. The indirect cost rate for the Federal award (including if the de minimis rate is charged per 2 CFR §200.414 Indirect (F&A) costs) is pre-determined based upon the State of Colorado and CDHS cost allocation plan.
- 2) All requirements imposed by CDHS on Subrecipient so that the Federal award is used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award, are stated in **Exhibit A**.
 - 3) Any additional requirements that CDHS imposes on Subrecipient in order for CDHS to meet its own responsibility to the Federal awarding agency, including identification of any required financial and performance reports, are stated in **N/A**.
 - 4) Subrecipient's approved indirect cost rate is **no (0%) indirect rate**.
 - 5) Subrecipient must permit CDHS and auditors to have access to Subrecipient's records and financial statements as necessary for CDHS to meet the requirements of 2 CFR §200.331 Requirements for pass-through entities, §§ 200.300 Statutory and National Policy Requirements through §200.309 Period of performance, and Subpart F—Audit Requirements of this Part.
 - 6) The appropriate terms and conditions concerning closeout of the subaward are listed in Section 16 of this Exhibit and **Exhibit A**.
 - 7) **Performance and Final Status.** Subrecipient shall submit all financial, performance, and other reports to CDHS no later than **45** calendar days after the period of performance end date or sooner termination of this Contract containing an evaluation and review of Subrecipient's performance and the final status of Subrecipient's obligations hereunder.

1) Matching Funds

If a box below is checked, the accompanying provision applies.

- i. ☐ Subrecipient is not required to provide matching funds.
- ii. ☒ Subrecipient shall provide matching funds as stated in **Exhibit A**. Subrecipient shall have raised the full amount of matching funds prior to the Effective Date and shall report to CDHS regarding the status of such funds upon request. Subrecipient's obligation to pay all or any part of any matching funds, whether direct or contingent, only extends to funds duly and lawfully appropriated for the purposes of this Contract by the authorized representatives of the Subrecipient and paid into the Subrecipient's treasury or bank account. Subrecipient represents to CDHS that the amount designated as matching funds has been legally appropriated for the purposes of this Contract by its authorized representatives and paid into its treasury or bank account. Subrecipient does not by this Contract irrevocably pledge present cash reserves for payments in future fiscal years, and this Contract is not intended to create a multiple-fiscal year debt of the Subrecipient. Subrecipient shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Subrecipient's laws or policies.

1. DEFINITIONS.

- 1.1. For the purposes of these Federal Provisions, the following terms shall have the meanings ascribed to them below.
 - 1.1.1. "Award" means an award of Federal financial assistance, and the Contract setting forth the terms and conditions of that financial assistance, that a non-Federal Entity receives or administers.
 - 1.1.1.1. Awards may be in the form of:
 - 1.1.1.1.1. Grants;
 - 1.1.1.1.2. Contracts;
 - 1.1.1.1.3. Cooperative Contracts, which do not include cooperative research and development Contracts (CRDA) pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710);
 - 1.1.1.1.4. Loans;
 - 1.1.1.1.5. Loan Guarantees;
 - 1.1.1.1.6. Subsidies;
 - 1.1.1.1.7. Insurance;
 - 1.1.1.1.8. Food commodities;
 - 1.1.1.1.9. Direct appropriations;
 - 1.1.1.1.10. Assessed and voluntary contributions; and
 - 1.1.1.1.11. Other financial assistance transactions that authorize the expenditure of Federal funds by non-Federal Entities.
 - 1.1.1.1.12. Any other items specified by OMB in policy memoranda available at the OMB website or other source posted by the OMB.
 - 1.1.1.2. Award **does not** include:
 - 1.1.1.2.1. Technical assistance, which provides services in lieu of money;
 - 1.1.1.2.2. A transfer of title to Federally-owned property provided in lieu of money; even if the award is called a grant;

- 1.1.1.2.1. Any award classified for security purposes; or
- 1.1.1.2.2. Any award funded in whole or in part with Recovery funds, as defined in section 1512 of the American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5).
- 1.1.2. “Contract” means the Contract to which these Federal Provisions are attached and includes all Award types in § of this Exhibit.
- 1.1.3. “Contractor” means the party or parties to a Contract funded, in whole or in part, with Federal financial assistance, other than the Prime Recipient, and includes grantees, subgrantees, Subrecipients, and borrowers. For purposes of Transparency Act reporting, Contractor does not include Vendors.
- 1.1.4. “Unique Entity ID number” or “UEI” is the Unique Entity ID number established by the federal government in the Unique Entity ID System to uniquely identify a business entity. For more, see: www.sam.gov.
- 1.1.5. “Entity” means:
 - 1.1.5.1. If the source of funding is a Grant:
 - 1.1.5.1.1. a Non-Federal Entity;
 - 1.1.5.1.2. a foreign public entity;
 - 1.1.5.1.3. a foreign organization;
 - 1.1.5.1.4. a non-profit organization;
 - 1.1.5.1.5. a domestic for-profit organization (for 2 CFR parts 25 and 170 only);
 - 1.1.5.1.6. a foreign non-profit organization (only for 2 CFR part 170) only);
 - 1.1.5.1.7. a Federal agency, but only as a Subrecipient under an Award or Subaward to a non-Federal entity (or 2 CFR 200.1); or
 - 1.1.5.1.8. a foreign for-profit organization (for 2 CFR part 170 only).
 - 1.1.5.2. If the source of funding is not a Grant:
 - 1.1.5.2.1. all of the following as defined at 2 CFR part 25, subpart C;
 - 1.1.5.2.2. A governmental organization, which is a State, local government, or Indian Tribe;
 - 1.1.5.3. a foreign public entity;
 - 1.1.5.4. a domestic or foreign non-profit organization;
 - 1.1.5.5. a domestic or foreign for-profit organization; and
 - 1.1.5.6. a Federal agency, but only a Subrecipient under an Award or Subaward to a non-Federal entity.
- 1.1.6. “Executive” means an officer, managing partner or any other employee in a management position.
- 1.1.7. If the source of funding is a Grant, “Federal Awarding Agency” means a Federal agency providing a Federal Award to a Recipient as described in 2 CFR 200.1. If the source of funding is not a Grant, “Federal Award Identification Number (FAIN)” means an Award number assigned by a Federal agency to a Prime Recipient.
- 1.1.8. “FFATA” means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252. FFATA, as amended, also is referred to as the “Transparency Act.”
- 1.1.9. “Federal Provisions” means these Federal Provisions subject to the Transparency Act and Uniform Guidance, as may be revised pursuant to ongoing guidance from the relevant Federal or State of Colorado agency or institutions of higher education.

- 1.1.1. If the source of funding is a Grant, “Grant” as used herein is the Contract to which these Federal Provisions are attached.
- 1.1.2. “Grantee” means the party or parties identified as such in the Grant to which these Federal Provisions are attached if the source of funding is a Grant.
- 1.1.3. “Non-Federal Entity” means a State, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal Award as a Recipient or a Subrecipient.
- 1.1.4. “Nonprofit Organization” means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:
 - 1.1.4.1. Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
 - 1.1.4.2. Is not organized primarily for profit; and
 - 1.1.4.3. Uses net proceeds to maintain, improve, or expand the operations of the organization.
- 1.1.5. “OMB” means the Executive Office of the President, Office of Management and Budget.
- 1.1.6. “Pass-through Entity” means a non-Federal Entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- 1.1.7. “Prime Recipient” means a Colorado State agency or institution of higher education that receives an Award, or, if the source of funding is a Grant it is that agency or institution identified as the Grantor in the Grant to which these Federal Provisions are attached.
- 1.1.8. “Subaward” means an award by a Prime Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Subaward unless the terms and conditions of the Federal Award specifically indicate otherwise in accordance with 2 CFR 200.101 or 2 CFR 200.38, as applicable. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- 1.1.9. “Subrecipient” or, if the source of funding is a Grant, “Subgrantee” means a non-Federal Entity (or a Federal agency under an Award or Subaward to a non-Federal Entity) receiving Federal funds through a Prime Recipient to support the performance of the Federal project or program for which the Federal funds were awarded. A Subrecipient is subject to the terms and conditions of the Federal Award to the Prime Recipient, including program compliance requirements. The term “Subrecipient” includes and may be referred to as Subgrantee. The term does not include an individual who is a beneficiary of a federal program.
- 1.1.10. “Subrecipient Parent UEI Number” means the subrecipient parent organization’s 12-digit Unique Entity ID System (UEI) number that appears in the subrecipient’s System for Award Management (SAM) profile, if applicable.
- 1.1.11. “System for Award Management (SAM)” means the Federal repository into which an Entity must enter the information required under the Transparency Act, which may be found at <http://www.sam.gov>.
- 1.1.12. “Total Compensation” means the cash and noncash dollar value earned by an Executive during the Prime Recipient’s or Subrecipient’s preceding fiscal year (see 48 CFR 52.204-10, as prescribed in 48 CFR 4.1403(a), as applicable) and includes the following:
 - 1.1.12.1. Salary and bonus;
 - 1.1.12.2. Awards of stock, stock options, and stock appreciation rights, using the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2005) (FAS 123R), Shared Based Payments;
 - 1.1.12.3. Earnings for services under non-equity incentive plans, not including group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives and are available generally to all salaried employees;

- 1.1.12.1. Change in present value of defined benefit and actuarial pension plans;
- 1.1.12.2. Above-market earnings on deferred compensation which is not tax-qualified;
- 1.1.12.3. Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.
- 1.1.13. “Transparency Act” means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252. The Transparency Act may also be referred to as FFATA.
- 1.1.14. “Uniform Guidance” means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which, unless the source of funding is a Grant, supersedes requirements from OMB Circulars A-21, A-87, A-110, and A-122, OMB Circulars A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up. The terms and conditions of the Uniform Guidance flow down to Awards to Subrecipients unless the Uniform Guidance or the terms and conditions of the Federal Award specifically indicate otherwise.
- 1.1.15. “Vendor” means a dealer, distributor, merchant or other seller providing property or services required for a project or program funded by an Award. A Vendor is not a Prime Recipient or a Subrecipient and is not subject to the terms and conditions of the Federal award. Program compliance requirements do not pass through to a Vendor.

2. COMPLIANCE.

- 2.1. Contractor/Grantee shall comply with all applicable provisions of the Transparency Act and the regulations issued pursuant thereto, all applicable provisions of the Uniform Guidance, including, but not limited to, all applicable Federal Laws and regulations required by this Federal Award. Any revisions to such provisions or regulations shall automatically become a part of these Federal Provisions, without the necessity of either party executing any further instrument. The State of Colorado, at its discretion, may provide written notification to Contractor/Grantee of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.

3. SYSTEM FOR AWARD MANAGEMENT (SAM) AND UNIQUE ENTITY ID SYSTEM (UEI) REQUIREMENTS.

- 3.1. SAM. Contractor/Grantee shall maintain the currency of its information in SAM until the Contractor/Grantee submits the final financial report required under the Award or receives final payment, whichever is later. Contractor/Grantee shall review and update SAM information at least annually after the initial registration, and more frequently if required by changes in its information.
- 3.2. UEI. Contractor/Grantee shall provide its UEI number to its Prime Recipient, and shall update Contractor’s/Grantee’s information in www.sam.gov at least annually after the initial registration, and more frequently if required by changes in Contractor’s/Grantee’s information.

4. TOTAL COMPENSATION.

- 4.1. Contractor/Grantee shall include Total Compensation in SAM for each of its five most highly compensated Executives for the preceding fiscal year if:
 - 4.1.1. The total Federal funding authorized to date under the Award is \$30,000 or more if the source of funding is a Grant, or otherwise \$25,000 or more if the source of funding is not a Grant; and
 - 4.1.2. In the preceding fiscal year, Contractor/Grantee received:
 - 4.1.2.1. 80% or more of its annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and

- 4.1.2.1. \$30,000,000 or more in annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act if the source of funding is a Grant or otherwise \$25,000,000 or more in annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act if the source of funding is not a Grant; and
- 4.1.2.2. The public does not have access to information about the compensation of such Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or § 6104 of the Internal Revenue Code of 1986.

5. REPORTING.

- 5.1. If Contractor/Grantee is a Subrecipient of the Award pursuant to the Transparency Act, Grantee shall report data elements to SAM and to the Prime Recipient as required in this Exhibit. No direct payment shall be made to Grantee for providing any reports required under these Federal Provisions and the cost of producing such reports shall be included in the Contract/Grant price. The reporting requirements in this Exhibit are based on guidance from the US Office of Management and Budget (OMB), and as such are subject to change at any time by OMB. Any such changes shall be automatically incorporated into this Contract/Grant and shall become part of Contractor's/Grantee's obligations under this Contract/Grant.

6. EFFECTIVE DATE AND DOLLAR THRESHOLD FOR REPORTING.

- 6.1. If the source of funding is a Grant, Reporting requirements in §8 below apply to new Awards as of October 1, 2010, if the initial award is \$30,000 or more. If the initial Award is below \$30,000 but subsequent Award modifications result in a total Award of \$30,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$30,000. If the initial Award is \$30,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$30,000, the Award shall continue to be subject to the reporting requirements.
- 6.2. If the source of funding is not a Grant, Reporting requirements in §8 below apply to new Awards as of October 1, 2010, if the initial award is \$25,000 or more. If the initial Award is below \$25,000 but subsequent Award modifications result in a total Award of \$25,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$25,000. If the initial Award is \$25,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$25,000, the Award shall continue to be subject to the reporting requirements.
- 6.3. The procurement standards in §8 below are applicable to new Awards made by Prime Recipient as of December 26, 2015. The standards set forth in §10 below are applicable to audits of fiscal years beginning on or after December 26, 2014.

7. SUBRECIPIENT REPORTING REQUIREMENTS.

- 7.1. If Contractor/Grantee is a Subrecipient, Contractor/Grantee shall report as set forth below.
 - 7.1.1. To SAM. A Subrecipient shall register in SAM and report the following data elements in SAM *for each* Federal Award Identification Number (FAIN) assigned by a Federal agency to a Prime Recipient no later than the end of the month following the month in which the Subaward was made:
 - 7.1.1.1. Subrecipient UEI Number;
 - 7.1.1.2. Subrecipient UEI Number if more than one electronic funds transfer (EFT) account;
 - 7.1.1.3. Subrecipient parent's organization UEI Number;
 - 7.1.1.4. Subrecipient's address, including: Street Address, City, State, Country, Zip (+ 4 if source of funding is a Grant or as otherwise directed per SAM directives for proper reporting), and Congressional District;
 - 7.1.1.5. Subrecipient's top 5 most highly compensated Executives if the criteria in §4 above are met; and

7.1.1.1. Subrecipient's Total Compensation of top 5 most highly compensated Executives if the criteria in §4 above met.

7.1.2. To Prime Recipient. A Subrecipient shall report to its Prime Recipient, upon the effective date of the Contract/Grant, the following data elements:

7.1.2.1. Subrecipient's UEI Number as registered in SAM.

7.1.2.2. Primary Place of Performance Information, including: Street Address, City, State, Country, Zip code + 4, and Congressional District.

8. PROCUREMENT STANDARDS.

- 8.1. Procurement Procedures. A Subrecipient shall use its own documented procurement procedures which reflect applicable State, local, and Tribal laws and applicable regulations, provided that the procurements conform to applicable Federal law and the standards identified in the Uniform Guidance, including without limitation, 2 CFR 200.318 through 200.327 thereof.
- 8.2. If the source of funding is a Grant: Domestic preference for procurements (2 CFR 200.322). As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- 8.3. Procurement of Recovered Materials. If a Subrecipient is a State Agency or an agency of a political subdivision of the State, its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247, that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

9. ACCESS TO RECORDS.

- 9.1. A Subrecipient shall permit Recipient/Prime Recipient and its auditors to have access to Subrecipient's records and financial statements as necessary for Recipient to meet the requirements of 2 CFR 200.311-200.332 (Requirements for pass-through entities), 2 CFR 200.300 (Statutory and national policy requirements) through 2 CFR 200.309 (Period of performance), and Subpart F-Audit Requirements of the Uniform Guidance.

10. SINGLE AUDIT REQUIREMENTS.

- 10.1. If a Subrecipient expends \$750,000 or more in Federal Awards during the Subrecipient's fiscal year, the Subrecipient shall procure or arrange for a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F-Audit Requirements of the Uniform Guidance, issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). 2 CFR 200.501.
 - 10.1.1. Election. A Subrecipient shall have a single audit conducted in accordance with Uniform Guidance 2 CFR 200.514 (Scope of audit), except when it elects to have a program-specific audit conducted in accordance with 2 CFR 200.507 (Program-specific audits). The Subrecipient may elect to have a program-specific audit if Subrecipient expends Federal Awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of Prime Recipient. A program-specific audit may not be elected for research and development unless all of the Federal Awards expended were received from Recipient and Recipient approves in advance a program-specific audit.

- 10.1.1. Exemption. If a Subrecipient expends less than \$750,000 in Federal Awards during its fiscal year, the Subrecipient shall be exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to other audit requirements), but records shall be available for review or audit by appropriate officials of the Federal agency, the State, and the Government Accountability Office.
- 10.1.2. Subrecipient Compliance Responsibility. A Subrecipient shall procure or otherwise arrange for the audit required by Subpart F of the Uniform Guidance and ensure it is properly performed and submitted when due in accordance with the Uniform Guidance. Subrecipient shall prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with 2 CFR 200.510 (Financial statements) and provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by Uniform Guidance Subpart F-Audit Requirements.

11. CONTRACT/GRANT PROVISIONS FOR SUBRECIPIENT CONTRACTS.

- 11.1. In addition to other provisions required by the Federal Awarding Agency or the Prime Recipient, Contractors/Grantees that are Subrecipients shall comply with the following provisions. Subrecipients shall include all of the following applicable provisions in all subcontracts entered into by it pursuant to this Contract/Grant.
 - 11.1.1. [Applicable to federally assisted construction contracts.] Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 shall include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.
 - 11.1.2. [Applicable to on-site employees working on government-funded construction, alteration and repair projects.] Davis-Bacon Act. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).
 - 11.1.3. Rights to Inventions Made Under a contract/grant or agreement. If the Federal Award meets the definition of “funding agreement”/ “funding Contract” under 37 CFR 401.2 (a) and the Prime Recipient or Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,”/“funding Contract”, the Prime Recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the Federal Awarding Agency.
 - 11.1.4. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal awardee(s) to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding Agency and the Regional Office of the Environmental Protection Agency (EPA).
 - 11.1.5. Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

- 11.1.1. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 11.1.2. Never contract with the enemy (2 CFR 200.215). Federal awarding agencies and recipients are subject to the regulations implementing "Never contract with the enemy" in 2 CFR part 183. The regulations in 2 CFR part 183 affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.
- 11.1.3. Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216). Grantee is prohibited from obligating or expending loan or grant funds on certain telecommunications and video surveillance services or equipment pursuant to 2 CFR 200.216.

12. CERTIFICATIONS.

- 12.1. Unless prohibited by Federal statutes or regulations, Recipient/Prime Recipient may require Subrecipient to submit certifications and representations required by Federal statutes or regulations on an annual basis. 2 CFR 200.208. Submission may be required more frequently if Subrecipient fails to meet a requirement of the Federal award. Subrecipient shall certify in writing to the State at the end of the Award that the project or activity was completed or the level of effort was expended. 2 CFR 200.201(3). If the required level of activity or effort was not carried out, the amount of the Award must be adjusted.

13. EXEMPTIONS.

- 13.1. These Federal Provisions do not apply to an individual who receives an Award as a natural person, unrelated to any business or non-profit organization he or she may own or operate in his or her name.
- 13.2. A Contractor/Grantee with gross income from all sources of less than \$300,000 in the previous tax year is exempt from the requirements to report Subawards and the Total Compensation of its most highly compensated Executives.

14. EVENT OF DEFAULT AND TERMINATION.

- 14.1. Failure to comply with these Federal Provisions shall constitute an event of default under the Contract/Grant and the State of Colorado may terminate the Contract/Grant upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30-day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Contract/Grant, at law or in equity.
- 14.2. Termination (2 CFR 200.340). The Federal Award may be terminated in whole or in part as follows:
 - 14.2.1. By the Federal Awarding Agency or Pass-through Entity, if a Non-Federal Entity fails to comply with the terms and conditions of a Federal Award;
 - 14.2.2. By the Federal awarding agency or Pass-through Entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;

- 14.2.1. By the Federal awarding agency or Pass-through Entity with the consent of the Non-Federal Entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
- 14.2.2. By the Non-Federal Entity upon sending to the Federal Awarding Agency or Pass-through Entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal Awarding Agency or Pass-through Entity determines in the case of partial termination that the reduced or modified portion of the Federal Award or Subaward will not accomplish the purposes for which the Federal Award was made, the Federal Awarding Agency or Pass-through Entity may terminate the Federal Award in its entirety; or
- 14.2.3. By the Federal Awarding Agency or Pass-through Entity pursuant to termination provisions included in the Federal Award.

EXHIBIT END

Semi Annual Report

Statement of Revenues and Disbursements

San Juan County

Selected Fiscal Year: 2023

Selected Date Range: 1/1/2023 - 6/30/2023

Fund	Balance 1/1/2023	Current Tax	Prior Tax	Specific Ownership	Misc. Collections	Disbursements	Treasurer's Fees	Other Expenses	Balance 6/30/2023
010 - COUNTY GENERAL FUND	\$1,191,454.48	\$763,847.85	\$0.00	\$39,006.41	\$1,536,593.40	(\$1,813,406.26)	\$4,867.01	(\$10,585.94)	\$1,711,776.95
020 - COUNTY ROAD & BRIDGE	\$302,948.22	\$10,165.22	\$0.00	\$715.46	\$234,516.55	(\$407,650.44)	(\$3,327.58)	\$0.00	\$137,367.43
030 - CONTINGENT FUND	\$54,554.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$54,554.94
035 - AMENDMENT 1-EMERGENCY	\$30,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,000.00
040 - SOCIAL SERVICE FUND	\$74,379.12	\$11,648.39	\$0.00	\$594.84	\$63,012.97	(\$71,152.07)	\$0.00	\$0.00	\$78,483.25
045 - AFFORDABLE HOUSING FUN	\$332,409.42	\$117.76	\$0.00	\$0.00	\$75,270.00	\$0.00	\$0.00	\$0.00	\$407,797.18
050 - CONSERVATION TRUST	\$11,838.63	\$641.14	\$0.00	\$0.00	\$185.97	\$0.00	\$0.00	\$0.00	\$12,665.74
051 - LODGING TAX FUND	\$447,767.10	\$0.00	\$0.00	\$0.00	\$70,273.20	\$0.00	\$0.00	(\$60,000.00)	\$458,040.30
052 - TOURISM BOARD FUND	\$16,907.14	\$0.96	\$0.00	\$0.00	\$60,000.00	\$0.00	\$0.00	(\$70,956.17)	\$5,951.93
055 - NOXIOUS WEED FUND	\$1,988.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,988.18
060 - TOWN OF SILVERTON	\$11,720.54	\$220,332.78	\$0.00	\$11,656.81	\$2,264.26	(\$227,582.49)	(\$4,429.74)	\$0.00	\$13,962.16
070 - DURANGO FIRE PROTECTIO	(\$2,382.83)	\$54,465.67	\$0.00	\$2,862.61	\$2,382.83	(\$54,604.88)	\$0.00	(\$2,723.40)	\$0.00
080 - SOUTHWEST WATER CONSE	\$59.60	\$16,292.42	\$0.00	\$831.96	\$0.00	(\$16,310.05)	\$0.00	(\$814.33)	\$59.60
090 - ADVERTISING FEES	\$10,668.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,668.40
100 - REDEMPTION	\$312.30	\$0.00	\$0.00	\$0.00	\$9,771.27	(\$8,305.55)	\$0.00	(\$1,465.72)	\$312.30
110 - SCHOOL GENERAL	(\$8,203.11)	\$537,118.69	\$0.00	\$27,428.35	\$8,203.11	(\$558,538.56)	\$0.00	(\$6,008.48)	\$0.00
116 - SCHOOL BOND	\$0.00	\$64,047.76	\$0.00	\$3,270.63	\$0.00	(\$67,318.39)	\$0.00	\$0.00	\$0.00
210 - 911 AUTHORITY	\$59,236.91	\$0.00	\$0.00	\$0.00	\$21,890.56	\$0.00	\$0.00	(\$14,510.64)	\$66,616.83
220 - TREASURERS FEES	\$18,608.05	\$0.00	\$0.00	\$0.00	\$1,070.00	\$0.00	\$0.00	\$0.00	\$19,678.05
230 - ASSESSORS PENALTY	\$5,548.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,548.41
240 - TREASURERS DEEDS/FORE	\$12,017.61	\$0.00	\$0.00	\$0.00	\$1,183.66	\$0.00	\$0.00	(\$2,216.13)	\$10,985.14

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Report ID: GLLT90 Operator: djaramillo

Statement of Revenues and Disbursements

San Juan County

Selected Fiscal Year: 2023

Selected Date Range: 1/1/2023 - 6/30/2023

Fund	Balance 1/1/2023	Current Tax	Prior Tax	Specific Ownership	Misc. Collections	Disbursements	Treasurer's Fees	Other Expenses	Balance 6/30/2023
250 - CLERK TECHNOLOGY FEES	\$4,856.40	\$0.00	\$0.00	\$0.00	\$180.00	\$0.00	\$0.00	\$0.00	\$5,036.40
260 - ADMIN FEE	\$2,698.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,698.42
270 - PEAK INVESTMENTS	\$32,494.58	\$0.00	\$0.00	\$0.00	\$1,217.00	\$0.00	\$0.00	\$0.00	\$33,711.58
280 - ABATEMENTS	(\$2,333.91)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$2,333.91)
300 - ESCROW-AMBULANCE	\$82,631.85	\$0.00	\$0.00	\$0.00	\$533.10	\$0.00	\$0.00	\$0.00	\$83,164.95
350 - ESCROW-COMPUTER EQUIP	\$4,154.27	\$0.00	\$0.00	\$0.00	\$107.10	\$0.00	\$0.00	\$0.00	\$4,261.37
360 - ASSESSOR/TREASURER ESC	\$3,248.34	\$0.00	\$0.00	\$0.00	\$150.92	\$0.00	\$0.00	\$0.00	\$3,399.26
400 - ESCROW-GRAVEL	\$144,671.02	\$0.00	\$0.00	\$0.00	\$240.99	\$0.00	\$0.00	\$0.00	\$144,912.01
410 - COUNTY BARN ESCROW	\$51,801.81	\$0.00	\$0.00	\$0.00	\$1,117.31	\$0.00	\$0.00	\$0.00	\$52,919.12
420 - ROAD EQUIP PURCHASE ES	\$72,084.69	\$0.00	\$0.00	\$0.00	\$1,196.21	\$0.00	\$0.00	\$0.00	\$73,279.90
430 - LOST 4-WHEELERS ESCROW	\$3,946.33	\$0.00	\$0.00	\$0.00	\$80.33	\$0.00	\$0.00	\$0.00	\$4,026.66
440 - SEARCH & RESCUE ESCROW	\$15,000.00	\$0.00	\$0.00	\$0.00	\$245.72	\$0.00	\$0.00	\$0.00	\$15,245.72
450 - COURTHOUSE ESCROW	\$57,228.26	\$0.00	\$0.00	\$0.00	\$10,921.44	\$0.00	\$0.00	\$0.00	\$68,149.70
460 - MSI ESCROW	\$73,471.50	\$0.00	\$0.00	\$0.00	\$552.98	\$0.00	\$0.00	(\$74,024.48)	\$0.00
470 - EMERGENCY PREPAREDNES	\$2,336.51	\$0.00	\$0.00	\$0.00	\$172.83	\$0.00	\$0.00	\$0.00	\$2,509.34
500 - HISTORICAL ARCHIVES ESC	\$380.84	\$0.00	\$0.00	\$0.00	\$61.11	\$0.00	\$0.00	\$0.00	\$431.95
550 - ASPHALT ESCROW	\$86,898.80	\$0.00	\$0.00	\$0.00	\$1,777.00	\$0.00	\$0.00	\$0.00	\$88,675.80
570 - FOREST RESERVE ESCROW	\$125,648.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,648.18
590 - EMERGENCY SERVICES SAL	\$1,383,784.06	\$0.00	\$0.00	\$0.00	\$326,241.88	\$0.00	\$0.00	\$0.00	\$1,710,025.94
600 - FIRE TRUCK FUND	\$86,605.88	\$0.00	\$0.00	\$0.00	\$1,536.01	\$0.00	\$0.00	\$0.00	\$88,141.89
650 - LAND USE ESCROW	\$59,872.26	\$0.00	\$0.00	\$0.00	\$671.85	\$0.00	\$0.00	\$0.00	\$60,544.11

Statement of Revenues and Disbursements

San Juan County

Selected Fiscal Year: 2023 Selected Date Range: 1/1/2023 - 6/30/2023

Fund	Balance 1/1/2023	Current Tax	Prior Tax	Specific Ownership	Misc. Collections	Disbursements	Treasurer's Fees	Other Expenses	Balance 6/30/2023
700 - WORKFORCE HOUSING ESC	\$2,863.85	\$0.00	\$0.00	\$0.00	\$372.44	\$0.00	\$0.00	\$0.00	\$3,236.29
750 - ESCROW-SHERIFF VEHICLE	\$43,694.56	\$0.00	\$0.00	\$0.00	\$175.27	\$0.00	\$0.00	\$0.00	\$43,869.83
800 - PUBLIC TRUSTEE	\$15.00	\$0.00	\$0.00	\$0.00	\$198.00	\$0.00	\$0.00	(\$183.00)	\$30.00
810 - SPECIFIC OWNERSHIP TAX	\$14,948.04	\$0.00	\$0.00	\$15,208.91	\$0.00	\$0.00	\$0.00	\$0.00	\$30,156.95
820 - TAX HOLDING FUND	\$2,937.92	\$278,109.60	\$0.00	\$0.00	\$670.67	\$0.00	\$0.00	\$0.00	\$281,718.19
900 - ADVANCED COLLECTIONS	\$2,890.00	\$0.00	\$0.00	\$0.00	(\$2,768.33)	\$0.00	\$0.00	\$0.00	\$121.67
Grand Totals:	\$4,930,664.57	\$1,956,788.24	\$0.00	\$101,575.98	\$2,432,258.61	(\$3,224,868.69)	(\$2,890.31)	(\$243,488.29)	\$5,950,040.11

San Juan County

Composition of Cash Balances and Investments

As Of: 6/30/2023 Including Account Details

	Net Bank Balance	Investments	Cash on Hand/ In Transit	Total
<i>Cash and Cash Items</i>				
Cash on Hand	\$0.00	\$0.00	\$200.00	\$200.00
Cash on Hand:	\$0.00	\$0.00	\$200.00	\$200.00
<i>Demand and Time Deposits</i>				
<i>Citizens State Bank</i>				
Tourism Fund Checking	\$6,074.32	\$0.00	\$0.00	\$6,074.32
Affordable Housing Checking	\$426,413.61	\$0.00	\$0.00	\$426,413.61
911 Authority Checking Checking	\$66,960.90	\$0.00	\$0.00	\$66,960.90
General Checking Checking	\$3,058,952.63	\$0.00	\$0.00	\$3,058,952.63
Citizens State Bank:	\$3,558,401.46	\$0.00	\$0.00	\$3,558,401.46

Investment Pool

	Net Bank Balance	Investments	Cash on Hand/ In Transit	Total
Citizens State Bank				
100120367	\$0.00	\$1,053,226.52	\$0.00	\$1,053,226.52
Citizens State Bank:	\$0.00	\$1,053,226.52	\$0.00	\$1,053,226.52
COLOTRUST				
CO-01-0646-8001	\$0.00	\$1,043,259.65	\$0.00	\$1,043,259.65
COLOTRUST:	\$0.00	\$1,043,259.65	\$0.00	\$1,043,259.65
Sigma Financial Corporation				
GTR-041850	\$0.00	\$294,952.48	\$0.00	\$294,952.48
Sigma Financial Corporation:	\$0.00	\$294,952.48	\$0.00	\$294,952.48
	<u>\$3,558,401.46</u>	<u>\$2,391,438.65</u>	<u>\$200.00</u>	<u>\$5,950,040.11</u>

Deanna Jaramillo 7/10/23

Fund Status Report

San Juan County

Report Selection Criteria:

Selected Fund Type: ALL
Include Encumbrances? NO
Include Pri Yr Liabilities? NO
Printed in Alpha by Fund Name? NO
Exclude Additional Cash? NO

Fiscal Year: 2023

From Date: 5/1/2023

From Period: 6

Thru Date: 5/30/2023

To Period: 6

Option: Period

Selected Funds :

	Beginning Balance	Receipts	Disbursements	Transfers	Ending Balance
General Fund (01)					
010 - COUNTY GENERAL FUND	\$1,497,491.95	\$596,801.23	(\$382,516.23)	\$0.00	\$1,711,776.95
020 - COUNTY ROAD & BRIDGE	\$154,439.32	\$41,477.88	(\$58,549.77)	\$0.00	\$137,367.43
030 - CONTINGENT FUND	\$54,554.94	\$0.00	\$0.00	\$0.00	\$54,554.94
035 - AMENDMENT 1-EMERGENCY FUN	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00
040 - SOCIAL SERVICE FUND	\$77,290.97	\$8,160.45	(\$6,968.17)	\$0.00	\$78,483.25
045 - AFFORDABLE HOUSING FUND	\$397,446.55	\$10,350.63	\$0.00	\$0.00	\$407,797.18
050 - CONSERVATION TRUST	\$12,349.25	\$316.49	\$0.00	\$0.00	\$12,665.74
051 - LODGING TAX FUND	\$454,385.72	\$3,654.58	\$0.00	\$0.00	\$458,040.30
052 - TOURISM BOARD FUND	\$41,899.07	\$0.21	(\$35,947.35)	\$0.00	\$5,951.93
055 - NOXIOUS WEED FUND	\$1,988.18	\$0.00	\$0.00	\$0.00	\$1,988.18
060 - TOWN OF SILVERTON	\$13,962.16	\$36,700.71	(\$36,700.71)	\$0.00	\$13,962.16
070 - DURANGO FIRE PROTECTION DIS	\$0.00	\$7,459.70	(\$7,459.70)	\$0.00	\$0.00
080 - SOUTHWEST WATER CONSERVAT	\$59.60	\$2,648.91	(\$2,648.91)	\$0.00	\$59.60
090 - ADVERTISING FEES	\$10,668.40	\$0.00	\$0.00	\$0.00	\$10,668.40
100 - REDEMPTION	\$312.30	\$1,535.19	(\$1,535.19)	\$0.00	\$312.30
110 - SCHOOL GENERAL	\$0.00	\$88,505.10	(\$88,505.10)	\$0.00	\$0.00
116 - SCHOOL BOND	\$0.00	\$10,413.40	(\$10,413.40)	\$0.00	\$0.00
200 - SPECIAL ASSESSMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
210 - 911 AUTHORITY	\$65,326.83	\$3,708.44	(\$2,418.44)	\$0.00	\$66,616.83
220 - TREASURER'S FEES	\$19,678.05	\$0.00	\$0.00	\$0.00	\$19,678.05
230 - ASSESSOR'S PENALTY	\$5,548.41	\$0.00	\$0.00	\$0.00	\$5,548.41
240 - TREASURER'S DEEDS/FORECLOS	\$11,031.96	\$0.00	(\$46.82)	\$0.00	\$10,985.14
250 - CLERK TECHNOLOGY FEES	\$4,990.40	\$48.00	\$0.00	\$0.00	\$5,038.40
260 - ADMIN FEE	\$2,698.42	\$0.00	\$0.00	\$0.00	\$2,698.42
270 - PEAK INVESTMENTS	\$33,642.13	\$69.45	\$0.00	\$0.00	\$33,711.58
280 - ABATEMENTS	(\$2,333.91)	\$0.00	\$0.00	\$0.00	(\$2,333.91)

Fund Status Report

San Juan County

Report Selection Criteria:

Selected Fund Type: ALL
Include Encumbrances? NO
Include Pri Yr Liabilities? NO
Printed in Alpha by Fund Name? NO
Exclude Additional Cash? NO

Fiscal Year: 2023
From Period: 6
To Period: 6

From Date: 6/1/2023
Thru Date: 6/30/2023
Option: Period

Selected Funds :

	Beginning Balance	Receipts	Disbursements	Transfers	Ending Balance
300 - ESCROW-AMBULANCE	\$83,065.65	\$99.30	\$0.00	\$0.00	\$83,164.95
350 - ESCROW-COMPUTER EQUIP	\$4,241.42	\$19.95	\$0.00	\$0.00	\$4,261.37
360 - ASSESSOR/TREASURER ESCROW	\$3,371.15	\$28.11	\$0.00	\$0.00	\$3,399.26
400 - ESCROW-GRAVEL	\$144,867.12	\$44.89	\$0.00	\$0.00	\$144,912.01
410 - COUNTY BARN ESCROW	\$52,711.01	\$208.11	\$0.00	\$0.00	\$52,919.12
420 - ROAD EQUIP PURCHASE ESCROW	\$73,057.28	\$222.62	\$0.00	\$0.00	\$73,279.90
430 - LOST 4-WHEELERS ESCROW	\$4,011.70	\$14.96	\$0.00	\$0.00	\$4,026.66
440 - SEARCH & RESCUE ESCROW	\$15,179.27	\$66.45	\$0.00	\$0.00	\$15,245.72
450 - COURTHOUSE ESCROW	\$66,120.30	\$2,029.40	\$0.00	\$0.00	\$68,149.70
460 - MSI ESCROW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
470 - EMERGENCY PREPAREDNESS	\$2,477.15	\$32.19	\$0.00	\$0.00	\$2,509.34
500 - HISTORICAL ARCHIVES ESCROW	\$422.43	\$9.52	\$0.00	\$0.00	\$431.95
550 - ASPHALT ESCROW	\$88,344.81	\$330.99	\$0.00	\$0.00	\$88,675.80
570 - FOREST RESERVE ESCROW	\$125,648.18	\$0.00	\$0.00	\$0.00	\$125,648.18
590 - EMERGENCY SERVICES SALES TA	\$1,639,677.21	\$70,348.73	\$0.00	\$0.00	\$1,710,025.94
600 - FIRE TRUCK FUND	\$87,855.79	\$286.10	\$0.00	\$0.00	\$88,141.89
650 - LAND USE ESCROW	\$60,418.97	\$125.14	\$0.00	\$0.00	\$60,544.11
700 - WORKFORCE HOUSING ESCROW	\$3,166.92	\$69.37	\$0.00	\$0.00	\$3,236.29
750 - ESCROW-SHERIFF VEHICLE	\$43,837.18	\$32.65	\$0.00	\$0.00	\$43,869.83
800 - PUBLIC TRUSTEE	\$45.00	\$48.00	(\$63.00)	\$0.00	\$30.00
810 - SPECIFIC OWNERSHIP TAX	\$24,299.93	\$30,156.96	(\$24,299.94)	\$0.00	\$30,156.95
820 - TAX HOLDING FUND	\$251,798.58	\$277,963.75	(\$248,044.14)	\$0.00	\$281,718.19
900 - ADVANCED COLLECTIONS	\$121.67	\$0.00	\$0.00	\$0.00	\$121.67
950 - WEST SIDE SPECIAL IMP. DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
960 - HOSPITAL GRANT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
* Fund Type Total *	\$5,662,169.42	\$1,193,987.56	(\$906,116.87)	\$0.00	\$5,950,040.11

Fund Status Report

San Juan County

Report Selection Criteria:

Selected Fund Type: ALL
Include Encumbrances? NO
Include Pri Yr Liabilities? NO
Printed in Alpha by Fund Name? NO
Exclude Additional Cash? NO

Fiscal Year: 2023
From Period: 6
To Period: 6

From Date: 6/1/2023
Thru Date: 6/30/2023
Option: Period

Selected Funds :

Beginning Balance	Receipts	Disbursements	Transfers	Ending Balance
* Report Total *	\$1,193,987.56	(\$906,116.87)	\$0.00	\$5,950,040.11

San Juan County

Composition of Cash Balances and Investments

As Of: 6/30/2023 Including Account Details

	Net Bank Balance	Investments	Cash on Hand/ In Transit	Total
<i>Cash and Cash Items</i>				
Cash on Hand	\$0.00	\$0.00	\$200.00	\$200.00
Cash on Hand:	\$0.00	\$0.00	\$200.00	\$200.00
<i>Demand and Time Deposits</i>				
Citizens State Bank				
Tourism Fund Checking	\$6,074.32	\$0.00	\$0.00	\$6,074.32
Affordable Housing Checking	\$426,413.61	\$0.00	\$0.00	\$426,413.61
911 Authority Checking Checking	\$66,960.90	\$0.00	\$0.00	\$66,960.90
General Checking Checking	\$3,058,952.63	\$0.00	\$0.00	\$3,058,952.63
Citizens State Bank:	\$3,558,401.46	\$0.00	\$0.00	\$3,558,401.46

Investment Pool

		Net Bank Balance	Investments	Cash on Hand/ In Transit	Total
Citizens State Bank					
	100120367	\$0.00	\$1,053,226.52	\$0.00	\$1,053,226.52
Citizens State Bank:		\$0.00	\$1,053,226.52	\$0.00	\$1,053,226.52
COLOTRUST					
	CO-01-0646-8001	\$0.00	\$1,043,259.65	\$0.00	\$1,043,259.65
COLOTRUST:		\$0.00	\$1,043,259.65	\$0.00	\$1,043,259.65
Sigma Financial Corporation					
	GTR-041850	\$0.00	\$294,952.48	\$0.00	\$294,952.48
Sigma Financial Corporation:		\$0.00	\$294,952.48	\$0.00	\$294,952.48
		<u>\$3,558,401.46</u>	<u>\$2,391,438.65</u>	<u>\$200.00</u>	<u>\$5,950,040.11</u>

Bonita Peak Mining District Bonita Peak Repository Construction

June 2023



COLORADO
Department of Public
Health & Environment

Bonita Peak Repository

The U.S. Environmental Protection Agency (EPA) has begun construction of a sitewide mine waste repository at the Bonita Peak Mining District (BPMD) Superfund Site. The Bonita Peak Repository will be located on Tailings Impoundment 4 of the Mayflower Mill, as selected in EPA's [Interim Record of Decision](#).

This fact sheet provides more detail about the construction timeline of the Bonita Peak Repository (BPR) and what the Silverton community can expect during construction. More information about the repository design can be found in the [BPR Design Fact Sheet](#).



Preparations at the BPR: Drillers installing stability monitoring system

What Can I Expect?

- EPA, Army Corps of Engineers (USACE) and contractors may be working at the construction site up to 7 days per week through November 2023. Typical construction hours are from 7:00 am – 5:30 pm but may vary throughout the season. Construction workers and activity may be visible from some areas of Silverton, especially while travelling northbound on CR2, and equipment noise may be heard on the trails above the construction area.
- Partial road closures may be necessary on CR2 in August, September, and/or October. At this time, EPA and USACE do not anticipate a full road closure.
- Water trucks will be used for dust suppression during construction on tailings pond 4. Dust monitoring stations have been installed near the work area

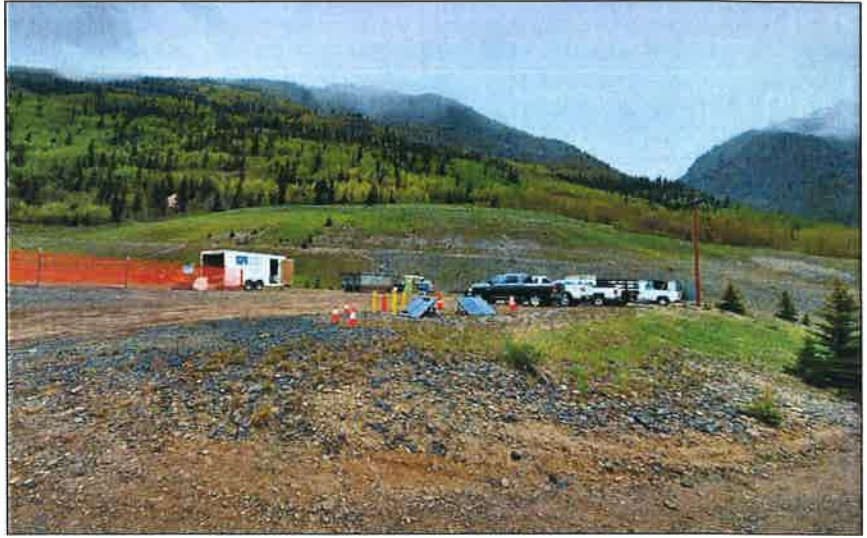
Keeping You Informed

EPA and USACE will:

- ✓ Communicate and coordinate with local officials of the Town and County.
- ✓ Provide monthly construction progress reports directly to community leaders and on the BPMD website.
- ✓ Communicate any expected major disturbances to the Silverton community via the Nixle alert system, operated by the San Juan County Office of Emergency Management.
To sign up for Nixle alerts, text 81433 to 888-777.

What Can I Expect? (continued)

- As with any major construction project, delays are possible, and construction of plans may need to change.
- Construction activities include importing of large amounts of clean material ranging from pea size gravel to boulders from both directions of CR2. Construction will maximize the use of local material sourced from a local gravel pit. However, some material is necessary from material suppliers in Montrose. This clean material will be hauled through the Town of Silverton on trucks which will be visible to the Silverton community.



Construction office at Northern side of BPR with air monitoring station in foreground

Material Hauling Route for Bonita Peak Repository



For more information about the Bonita Peak Repository Construction Project, please contact:

Meg Broughton, Community Involvement Coordinator

Broughton.Meg@epa.gov

(303) 312-6139

Athena Jones, Superfund Remedial Project Manager

Jones.Athena@epa.gov

(720) 926-2015

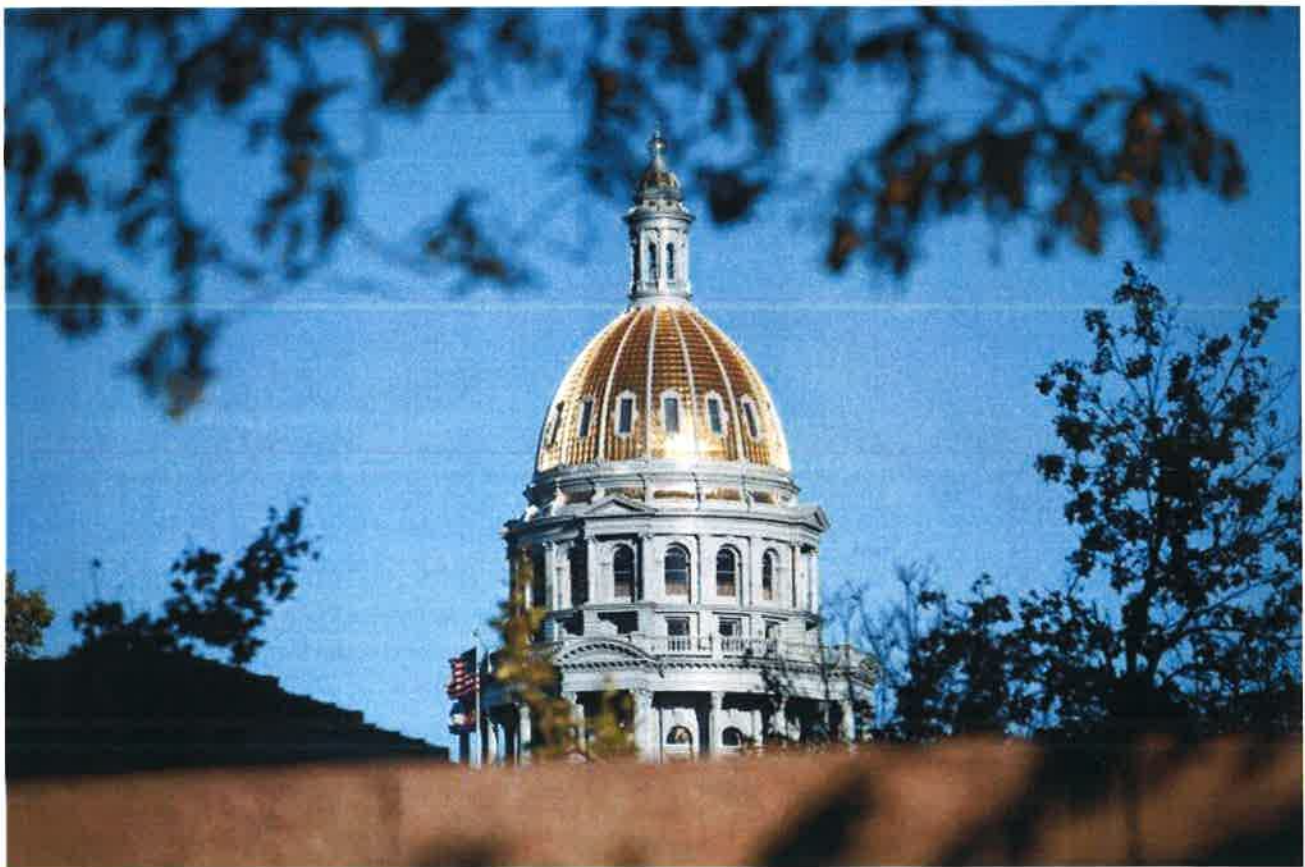
News Education Local News Nation & World New Mexico

Colorado lawmakers argue for, against property tax relief bill in dual town halls

Democrats say Prop HH would save taxpayers billions, Republicans contend it will increase government spending

By Christian Burney Herald Staff Writer

Thursday, Jun 29, 2023 4:39 PM Updated Thursday, Jun. 29, 2023 4:53 PM



Colorado legislators fell on opposing sides of a complicated tax proposition that aims to reduce residential and commercial property taxes for the next 10 years. Proposition HH will appear on the November ballot. State Democrats and Republicans took to separate virtual town halls on Wednesday to voice their support and opposition, respectively, regarding the measure. (Associated Press file)



Colorado Republicans and Democrats are divided on a complex tax proposition that aims to reduce residential and small business property taxes for the next decade that will be presented to voters on the November ballot.

Democratic Rep. Mike Weissman, one of four sponsors of Proposition HH, said the measure stands to save taxpayers a net \$1.5 billion just two years into the 10-year proposal, which was drafted to lower property taxes by reducing assessment ratios for various properties and by slightly reducing property valuations.

Elected state officials from each party held separate virtual town halls Wednesday evening to discuss why they support or oppose Prop. HH.

PHOTO: THE HERALD

Democrats say the proposition, if approved by voters, would reduce property taxes at a time when wages are not keeping up with high inflation and rapidly rising property taxes. But Republicans say Prop HH won't provide property tax relief and will inflate government spending in the years to come.



State Rep. Mike Weissman, D-Aurora, is a sponsor of property tax relief Proposition HH, which will be posed to voters on the November ballot. He said the proposition stands to save taxpayers billions just two years into its proposed 10-year life span. (Eric Lubbers/The Colorado Sun)



At the Democratic town hall featuring Weissman and Reps. Shannon Bird and Barbara McLachlan, Weissman said the proposition gives special consideration to primary residence property taxes by including slightly reduced tax rates that, when the reductions of millions of homes across the state are added up, equal huge aggregate property tax reductions.

Commercial assessment ratios would also be reduced, including for agricultural and renewable energy properties, he said. Farmers who want to generate additional revenue by implementing solar panels and wind turbines will have a lower assessment ratio on their property if they do so.

"We know farm economics are tough," Weissman said. "We want to continue taking steps in renewable energy. This is one way we can try to incentivize both of those at the same time."

Prop HH also considers seniors, renters and local government tax collection, and introduces new tax concepts to address the latter.

The measure introduces a concept called qualified "senior primary residence real property," which allows seniors receiving a homestead benefit to move to a new primary household and continue receiving that benefit, Weissman said.

The homestead exemption currently allows for people 65 years old and older who have lived in their home for at least 10 years to have their property taxes reduced by filling out the proper paperwork with the county assessor's office. But it doesn't apply if a senior moves to a new household, he said. That would change under Prop HH.

He said the "senior primary residence real property" proposal could help "several hundred thousand people statewide" and save seniors \$600 to \$800 a month.

Two new tax concepts are introduced in Prop HH that Weissman called a "soft cap" and a "backfill," which have to do with property tax collections by local governments and slow growth of certain counties and districts, respectively.

The soft cap limits property tax revenues collected by local governments to inflation, and the backfill mechanism allows the state to supplement local governments where property tax revenues decline because of Prop HH.

“Basically, going forward, again subject to voter approval, some levies – the ones that haven’t already been approved by voters – aren’t going to be able to go up more than inflation,” he said.

Certain exemptions are included in the proposal, namely for bonds already approved by voters and specific mill levies such as school district mill levies, he said. But a basic county mill levy would likely be impacted by the bill.

He said the idea is if a local government’s property tax collection were to increase more than inflation, Prop HH would require that government body engage its constituents. That means conducting public hearings, allowing public comment and recording a public vote if the local government wishes to retain excess revenues.

SPONSORED CONTENT



A House Made of Glass and the Beauty of Bringing the Outside In

BY MARVIN

On backfill, he said Colorado is a diverse state where some areas experience fast growth and others have slow growth. Agricultural areas have lower property valuations, which means local governments aren’t collecting as much tax revenue. Metropolitan areas such as Denver County have a lot of commercial property and growth, which leads to significant property tax collections.

Should Prop HH pass, the state would set aside revenue yearly to backfill counties and districts that have slower growth. Fire and ambulance districts would receive more backfill funding because of essential services they provide, he said.

Additional money leftover after backfilling slower growing counties would be transferred to the state’s education fund, which supports public schools across the state, he said. But in order to do that, voters must approve an adjustment to how the TABOR (Taxpayer Bill of Rights) revenue limit is calculated.

TABOR is currently calculated by taking the prior fiscal year’s revenue limit and adding the rate of inflation plus population growth across the state, according to the Colorado Department of Revenue.

Under Prop HH, the TABOR revenue limit would be calculated by adding inflation and population growth to the prior fiscal year’s revenue limit, as well as adding 1%, Weissman said.

“That adjustment to the TABOR cap is how we make all of the rest of this balance out,” he said.



State Sen. Barbara Kirkmeyer opposes Proposition HH, a property tax relief proposal sponsored by Colorado Democrats. She said it will increase government by \$10 billion and is an attempt by Democrats to attack TABOR (Taxpayer Bill of Rights). (Thy Vo/The Colorado Sun)



At the Republican virtual town hall that took place shortly after the Democratic meeting, Sen. Barbara Kirkmeyer and Rep. Rose Pugliese voiced their concerns about Prop HH. They said the proposition, if passed, still allows property taxes to rise for homeowners, and it is ultimately another attempt by the Democratic Party at eliminating TABOR.

Kirkmeyer said Prop HH, if passed, will grow the government by more than \$10 billion and essentially eliminate TABOR refunds by 2027.

She said Democrats are billing Prop HH as property tax relief, but property taxes will still rise if the proposition passes.

"They will essentially dismantle TABOR and your refunds will essentially not exist within about four years from now," she said.

"Government spending will increase."

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What the 10-year Colorado property tax proposal would mean for you



By Andrew Kenney · May 4, 2023, 4:00 am

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Democrats in Colorado have proposed a significant change to the state's property tax system. Gov. Jared Polis and other leaders [want to lower tax rates for residential, commercial and other properties](#) over the next ten years. That would defray some of the rising tax bills that are coming next year because of the state's hot property market.

[The proposal](#) is currently being debated by the state legislature. But it ultimately would have to go before the public — in the form of a ballot question called Proposition HH — and win approval from Colorado voters this November.

The bill comes with some tradeoffs for Coloradans. The typical homeowner could save hundreds of dollars per year or more, compared to the current state of things. But the measure also could reduce TABOR tax refunds by tens or hundreds of dollars per person — depending on their income — in the years ahead.

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How are property taxes calculated?

Property taxes are determined by a formula that includes a home's estimated value multiplied by a statewide "assessment rate" as well as local tax rates, which are also

This year’s valuation update is set to drive those bills significantly higher for many homeowners — with the typical hike ranging from 20 percent to more than 30 percent statewide.

 **Related:** [Did you get a shocking Colorado property tax valuation notice? It is possible to contest that figure](#)

How would Proposition HH affect property owners?

These changes would be in effect for 10 years, starting in tax year 2023 — for which taxes are due early in 2024 — and continuing through tax year 2032. The mechanics are complicated, but the results are straightforward: Property tax bills would still rise, but not as fast.

Compared to the baseline, the changes would save homeowners hundreds of dollars per year for a decade. The savings will differ depending on home value and local tax rates.

Value of property	Tax year 2023 savings	Average yearly savings, tax years 2023 through 2032
\$500,000	\$165	\$378 per year, a reduction of 12.9% of total taxes
\$1,000,000	\$192	\$541 per year, a reduction of 9.2% of total taxes
\$2,000,000	\$246	\$869 per year, a reduction of 7.4% of total taxes

Note: The above figures are for owner-occupied homes and multifamily properties. Owners of second homes and single-family rentals would owe higher taxes. These figures

(Check your local county assessor's office for the mill levy at your address.)

People with higher home values will get a larger discount in terms of actual dollars, since they pay higher property tax bills. But because of the design of the proposal, the discount would have a larger proportional impact on less expensive properties.

And keep in mind, those “savings” are compared to what would happen under current law. People’s actual tax bills will likely still increase as property values rise.

The bill gives favorable treatment to homes that are occupied by their owners, as well as to multifamily buildings. If you own a second home or rent out your single-family home, you’ll only get about half of those savings.

The bill also includes savings for commercial and agricultural properties. More on that below.

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What would Prop. HH do to TABOR refunds?

When you lower property tax rates, that means comparatively less money for local governments, including schools. As part of this proposal, the state would make up some of the difference — covering about two-thirds of the bill’s effects on local governments and schools.

So, how would the state do that? With money that otherwise would be given back to taxpayers through TABOR refunds. The proposition allows the state to keep more tax money each year.

Here’s how different income groups would be affected over the initial few years.

refunds. Normally, people who paid more income taxes get a bigger refund. That means everyone would receive an equal refund, estimated at \$661, for this year only. That's a gain of up to \$200 for people making less than \$100,000 -- and a loss that could range up to nearly \$1,000 for the wealthiest people. When you put it all together, the total paid out would still shrink under Prop. HH.

But the flattening would last only one year. In future years, everyone would see a reduction.

Household income tier	Projected average refund reduction, tax years 2024 and 2025
Up to \$54,000	\$50 per year, a reduction of 15%
\$54,001 to \$106,000	\$66 per year, a reduction of 15%
\$106,001 to \$168,000	\$77 per year, a reduction of 15%
\$168,001 to \$233,000	\$91 per year, a reduction of 15%
\$233,001 to \$299,000	\$97 per year, a reduction of 15%
\$299,001 and up	\$156 per year, a reduction of 15%

Note: TABOR refund income tiers change over time; the income figures above are the tiers for tax year 2024. These figures are for individual refunds. Joint filers receive double refunds, and will thus see double the reduction.

Refund projections were only available through tax year 2025. That means it's impossible to estimate the effects Prop. HH could have on individual refunds over its

But we do know the overall impact could grow significantly in the future. The proposition would affect \$167 million of refund money in its first year, a relatively small fraction of the current refund total.

By the end of the decade, the rising cap could allow the state to keep up to about \$2.2 billion in revenues per year, assuming the economy continues to grow. That would be enough to significantly reduce refunds, compared to their size in recent years. If revenues do not exceed the new Prop. HH cap, then no refunds would be given.

Fiscal year	Maximum reduction of yearly refunds due to Prop. HH cap
2023-'24	\$167M
2024-'25	\$359M
2025-'26	\$570M
2026-'27	\$795M
2027-'28	\$1.04B
2028-'29	\$1.31B
2029-'30	\$1.59B
2030-'31	\$1.89B
2031-'32	\$2.22B

Note: Figures were provided by legislative staff based on general estimates about inflation and population growth. The chart shows how much the state's revenue cap would be raised by Prop. HH, relative to current law, in each year.

~~needed for replacing property taxes would be directed to the State Education Fund.~~

(The state's authority to retain the extra revenue would disappear if property tax relief is not continued past 2032.)

Conservatives have criticized this approach, with Republican Sen. Barbara Kirkmeyer calling it a “shell game.” She asked on Tuesday: “Why do we have to say to voters, ‘You’re not going to get property tax relief unless you give up your TABOR refund?’”

Democrats defended the change, saying that it would have a relatively small effect on refunds while helping to defuse much larger leaps in property taxes.

How would Prop. HH change property tax rates?

The measure has a few ways to slow the property tax increase over the next decade, starting with some smaller changes. It knocks **\$40,000 off the taxable value** of residential properties, and it also lowers the **assessment rate for most properties to 6.7 percent** for tax years **2023 and 2024**.

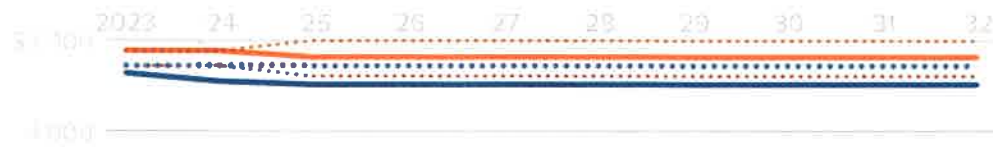
The change builds on **earlier discounts that are already in effect** this year. Current law makes a \$15,000 deduction and sets the assessment rate at roughly 6.8 to 7 percent for residential properties in 2023 and 2024, but that’s set to rise to 7.15 percent with no valuation discount for future years.

And the measure could also offer further benefits to homeowners in the long term. It encourages cities to lower their local tax rates when tax bills are growing faster than inflation — although they will still have the power to collect more if they choose.

Altogether, the new proposal would reduce property tax collections by an estimated \$263 million in tax year 2023, \$788 million in tax year 2024, and by more than \$900 million in tax year 2025.

Proposition HH would change property tax rates and valuations for 10 years. The solid lines show what happens if current law isn't changed. Dotted lines show what happens under Prop. HH.

— Current law for most residential properties — Current law for homes with senior exemption ... Owner-occupied ar
 Non-owner occupied under Prop. HH Residences with senior exemption under Prop. HH



Note: This chart assumes 83 mills of local property taxes, which is the state average. It does not reflect how rising property values will result in higher tax bills. Instead, it shows the effects of changing tax rules on a set value.

Chart: Andrew Kenney/CPR News

Colorado
Public Radio

Bigger impacts for primary residences and older homeowners.

Instead of treating all homes the same, the proposed state law would make a distinction between owner-occupied homes and those that are not the primary residences of their owners, a change from the current tax system.

Owner-occupied homes and multifamily buildings would get the lower assessment rate — 6.7 percent — and lower valuation base — the \$40,000 discount — throughout the entire 10-year period of the law.

Meanwhile, people who keep single-family homes as rental properties or second homes would not get as big of a discount for tax years 2025 through 2032. They would not get a valuation discount for those years; for a \$500,000 property, that means they would miss out on a couple hundred dollars of yearly savings.

~~a discount for people 65 and older who have lived in their home for at least a decade.~~

The exemption is being expanded from a maximum valuation discount of \$100,000 to a maximum of \$140,000. The same senior discount could also now be transferred to new homes, allowing someone to downsize without losing their tax benefit.

“We have long sought a permanent way to create portability [for the senior exemption],” said Sen. Chris Hansen, a sponsor of the bill.

Here’s how bills might look in tax year 2025:

Total 2025 taxes for a \$500,000 property with 83 mills of taxes

All residential property <i>if law isn’t changed</i>	\$2,967
Home with Senior Homestead Property Tax Exemption <i>if Prop. HH passes</i>	\$2,002
Owner-occupied home <i>if Prop. HH passes</i>	\$2,558
Multifamily property <i>if Prop. HH passes</i>	\$2,558
Non-owner occupied single-family home <i>if Prop. HH passes</i>	\$2,781

That kind of distinction between owner-occupied homes and other properties is new in Colorado, though not nationally. It means that homeowners would have to submit paperwork to their counties, saying whether or not they’re the primary resident of a property.

The idea has drawn objections from some real-estate interests and county officials.

residence designation,” said Brian Tanner, vice president of public policy for the Colorado Association of Realtors, at a committee hearing. “And you are asking assessors to now verify classification status of every property owner in the state.”

Hansen said the idea was to help people who are facing higher costs for their primary residence.

“The differentiation here is to really target the relief on the folks that we think need it the most, which is the owner-occupied units,” he said.

What about commercial properties and others?

Commercial properties, farmland and land used for renewable energy generation all get their own discounts on their bill. Because of the complex history of Colorado property tax law, these types of land are taxed at much higher rates than residential property. They would still be taxed at higher rates, but would get a discount of about 4 to 7 percent on their tax bills, depending on the year, compared to current law.

Questions and comments? [Email the reporter.](#)

Editor's note: This article was updated with additional information on May 4, 2023 and on May 18, 2023 to reflect changes made to the proposal.

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Colorado Proposition HH, Property Tax Changes and Revenue Change Measure (2023)

Colorado Proposition HH, the Property Tax Changes and Revenue Change Measure, is on the [ballot](#) in [Colorado](#) as a [legislatively referred state statute](#) on [November 7, 2023](#).

A **"yes"** vote supports making various changes to state property taxes and revenue limits, including:

- reducing property tax rates;
- allowing the state to retain and spend revenues that it would otherwise be required to refund to residents under the Colorado Taxpayer's Bill of Rights (TABOR);
- creating a new higher cap on state revenue, allowing the state to retain revenue up to the Proposition HH Cap.
- allocating revenue to local governments to make up for decreased tax revenues; and
- creating a limit on local government property tax revenue.

A **"no"** vote opposes making changes to property taxes and state revenue limits.

Colorado
Proposition
HH



Election date

[November 7, 2023](#)

Topic

[Property and Taxes](#)

Status

On the ballot

Type **Origin**

[State statute](#) [State legislature](#)

Overview

SB22-238

2023 And 2024 Property Tax

Concerning reductions in real property taxation for only the 2023 and 2024 property tax years, and, in connection therewith, reducing the assessment rates for certain classes of nonresidential property and all residential property and the amount of actual value to which the rate is applied for all residential real property and commercial property for 2023; reducing the assessment rates for all multi-family residential real property to a set amount for 2024; reducing the assessment rates for all residential real property other than multi-family residential real property for 2024 by an amount determined by the property tax administrator to cumulatively with the other provisions of the bill reduce statewide property tax revenue for 2023 and 2024 by a specified amount; reducing the assessment rates for real and personal property that is classified as agricultural or renewable energy production property for 2024; and requiring the state to reimburse local governments, excluding school districts, in 2024 for 2023 reductions in their property tax revenue resulting from the bill.

SESSION: 2022 Regular Session

SUBJECTS: Fiscal Policy & Taxes, Local Government

BILL SUMMARY

For the 2023 property tax year:

- Section 1 of the act reduces the valuation for assessment of nonresidential property, excluding agricultural and renewable energy production nonresidential property, from 29% of the actual value of the property to 27.9% of the actual value of the property;
- Section 2 reduces the valuation for assessment of residential property, including multi-family residential property, to 6.765% of the actual value of the property; and
- Sections 1 and 3 reduce the actual value used for purposes of the valuation for assessment of commercial real property by \$30,000 and of residential real property by \$15,000, but in either case to no less than \$1,000.

For the 2024 property tax year:

- Section 1 continues the valuation for assessment of real and personal property that is classified as agricultural property or renewable energy production property at 26.4% of the actual value of the property;
- Section 2 establishes the valuation for assessment for all residential real property other than multi-family residential real property as the percentage of the actual value of such property determined by a calculation made by the property tax administrator as required by section 4; and
- Section 2 also establishes the valuation for assessment for multi-family residential real property as 6.8% of the actual value of the property.

Section 4 requires the adjustment of the ratio of valuation for assessment for all residential real property other than multi-family residential real property for the 2024 property tax year so that the aggregate decrease in local government property tax revenue during the 2023 and 2024 property tax years, as a result of the act, equals \$700 million.

Section 5 requires the state treasurer to reimburse counties for the reduction in property tax revenue resulting from the act during the 2023 property tax year and requires the property tax administrator, using information provided by each county treasurer, to report this amount to the general assembly. The state treasurer is required to fully reimburse any county that:

- Had an increase of less than 10% in assessed value of real property between the 2022 and 2023 property tax years; and
- Has a population of 300,000 or fewer.

The state treasurer is also required to reimburse a county 90% of the amount of the reduction if the county:

-
- Had an increase of 10% or more in assessed value of real property between the 2022 and 2023 property tax years; and
- Has a population of 300,000 or fewer.

Lastly, the state treasurer is also required to reimburse any county that does not qualify for full or 90% reimbursement 65% of the amount of the reduction excluding the aggregate decrease in local government property tax revenue during the 2023 and 2024 property tax years, as a result of the act for municipalities, fire districts, health services districts, water districts, sanitation districts, school districts, and library districts in those counties. If municipalities, fire districts, health services districts, water districts, sanitation districts, and library districts in those counties had an increase of less than 10 % in assessed value of real property between the 2022 and 2023 property tax years, the state treasurer is required to reimburse the entire amount of the aggregate decrease in local government property tax revenue for those local governmental entities during the 2023 property tax years, as a result of the act. If municipalities, fire districts, health services districts, water districts sanitation districts, and library districts in those counties had an increase of 10% or more in assessed value of real property between the 2022 and 2023 property tax years, the state treasurer is required to reimburse 90% of the aggregate decrease in local government property tax revenue for those local governmental entities during the 2023 property tax years, as a result of the act. County treasurers must then distribute these reimbursements to the local governmental entities, excluding school districts, within the treasurer's county as if the revenue had been regularly paid as property tax. The lesser of \$240 million of reimbursement or the amount of reimbursement that can be paid from such excess state revenues must be paid as a refund of state fiscal year 2022-23 excess state revenues that are not being refunded through specified existing refund mechanisms, and the rest of the reimbursement must be paid from the general fund.

For school districts, section 6 requires the state treasurer to transfer \$200 million from the general fund to the state public school fund to offset school district property tax revenue reductions.

Section 5 also requires the property tax administrator to prepare a report that identifies the aggregate reduction in local government property tax revenue during the 2023 property tax year resulting from the act.

What would this measure do?

Proposition HH would make various changes to state property taxes and changes to state revenue limits, including: ^[1]

- reducing property tax rates;
- creating two new subclasses of residential property effective in 2025;
- providing funds to local governments to make up for decreased property tax revenues, referred to as *backfilling*;
- creating a limit on local government property tax revenue; and
- creating a new cap on state revenue (*Proposition HH Cap*) allowing the state to retain revenue up to the newly created cap, that it would otherwise be required to refund to residents under the [Colorado Taxpayer's Bill of Rights \(TABOR\)](#).^[1]

Why is this measure on the ballot?

This measure requires voter approval under TABOR since it would increase state revenue.

In Colorado, a [legislatively referred state statute](#) must be passed by a simple majority vote in each chamber of the [state legislature](#). Legislatively referred measures do not need to be signed by the [governor](#). Due to the [Colorado TABOR](#), statewide voter approval is required to enact any legislation to increase government revenue at a faster rate than the combined rate of population increase and inflation. To read about the Taxpayer's Bill of Rights, click [here](#).

The measure was introduced as Senate Bill 23-303 on May 1, 2023. After amendments, on May 8, 2023, the measure was passed in the House by a vote of 44-2 with three members absent and in the Senate by a vote of 23-12. The measure was passed along partisan lines with Democratic members in favor and Republican members opposed. Governor [Jared Polis](#) (D) signed the bill on May 24, 2023.^[1]

What are supporters and opponents saying about this measure?

See also: [Support](#) and [Opposition](#)

Colorado Governor [Jared Polis](#) (D) said, "Because of the very strong economy and very strong TABOR surplus, we are able to do both, we are able to not jeopardize or cut funding for our schools and provide important property tax relief today." Senate President [Stephen Fenberg](#) (D) said, "That is the revenue that goes to support fire districts, to support libraries, to support schools. And that's a core part of making sure that we do this responsibly, rather than just saying property taxes are too damn high, so let's cut them and not think about the impact that has downstream to our local services."^[2]

[Michael Fields](#), president of Advance Colorado Institute and leading plaintiff in a [lawsuit](#) arguing that it violates the state's [single-subject rule](#) and contains misleading ballot language, said, "The repeal of the Gallagher Amendment was supposed to make things better, but I opposed it because it would inevitably lead to huge increases in property taxes for Colorado families. That is exactly what we are seeing across the state. The legislature created this problem. They said they would come up with a solution and they didn't. Now, the governor and legislature want us to give up our TABOR tax refunds for a tiny bit of property tax relief. It's another bad idea. ... All of the stuff in [the bill] shows this is multiple subjects. We're talking about TABOR refunds going to education, we're talking about money going to renters, we're talking about long-term changes to TABOR formula, and we're talking about limited property tax relief in

the same measure. They're clearly trying to pair something that is unpopular with something that is popular to pass it."^[3] On May 24, 2023, twelve counties including Douglas, El Paso, and Mesa joined the lawsuit against the measure.

What was the Gallagher Amendment repeal ballot measure of 2020?

See also: [Amendment B of 2020. Gallagher Amendment Repeal](#)

Amendment B repealed the [Gallagher Amendment of 1982](#), which limited the residential and non-residential property tax assessment rates so that **residential** property taxes equaled 45% of the total share of state property taxes and **non-residential** property taxes equaled 55% of the total share of state property taxes.^[1]

The legislature passed a companion bill, [Senate Bill 20-223](#), which took effect alongside the constitutional amendment. Senate Bill 223 froze the then-current rates of 7.15% for residential property and 29% for non-residential property in state statute. SB 223 allowed the legislature to reduce the assessment rate in state law.^[4]

Measure design

Proposition HH would make various changes to state property taxes and changes to state revenue limits, including: ^[1]

- reducing property tax rates;
- creating two new subclasses of residential property effective in 2025;
- providing funds to local governments to make up for decreased property tax revenues, referred to as *backfilling*;
- creating a limit on local government property tax revenue; and
- creating a new cap on state revenue (*Proposition HH Cap*) allowing the state to retain revenue up to the newly created cap, that it would otherwise be required to refund to residents under the [Colorado Taxpayer's Bill of Rights \(TABOR\)](#).^[1]

Residential property tax classes and rates

Proposition HH would create two new subclasses of residential property for owner-occupied primary residences and qualified-senior primary residences. Property owners would need to file an application with local county assessors to qualify for the subclass.^[1]

Proposition HH would reduce the assessment rates for residential property classes and increase the dollar amount of the valuation reduction (a dollar amount subtracted from a property's market value before the assessment rate is applied).^[1]

This table shows the proposed property tax assessment rates and valuation reductions under Proposition HH compared to current law without Proposition HH shown in parentheses and italics. In current law without Proposition HH and under Proposition HH, the assessment rate was set to be 7.15% in 2033 and after.

Residential Property Assessment Rates and Valuation Reductions under Proposition HH

Property Type	2023	2024	2025-2032	2033 and later
---------------	------	------	-----------	----------------

Owner-Occupied Primary Residence	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 7.15%
	Valuation reduction: \$50,000	Valuation reduction: \$40,000	Valuation reduction: \$40,000	
	(from 6.765% and \$15,000 reduction)	(from 6.976%* for single family, 6.8% for multifamily)	(from 7.15%)	
Senior Owner-Occupied Primary Residence	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 7.15%
	Valuation reduction: \$50,000	Valuation reduction: \$40,000	Valuation reduction: \$140,000	
	(from 6.765% and \$15,000 reduction)	(from 6.976% for single family, 6.8% for multifamily)	(from 7.15%)	
Other Multifamily	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 7.15%
	Valuation reduction: \$50,000	Valuation reduction: \$40,000	Valuation reduction: \$40,000	
	(from 6.765% and \$15,000 reduction)	(from 6.8%)	(from 7.15%)	
Other Residential	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 6.7%	Assessment rate: 7.15%
	Valuation reduction: \$50,000	Valuation reduction: \$40,000	Valuation reduction: \$40,000	
	(from 6.765% and \$15,000 reduction)	(from 6.796%)	(from 7.15%)	

Nonresidential property tax rate changes

This table shows the proposed nonresidential property tax assessment rates under Proposition HH compared to what the rates were set to be under current law without Proposition HH.

Nonresidential Property Assessment Rates under Proposition HH					
Property Type	2023	2024-2026	2027-2028	2029-2030	2031-2032
Lodging and Other Improved Commercial Property	Proposed rate: 27.85%	Proposed rate: 27.85%	Proposed rate: 27.65%	Proposed rate: 26.9%	Proposed rate: 26.9% or 25.9%
	Rate under current law: 27.9%	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%
Other Commercial, Industrial, Natural Resources, State Assessed	Proposed rate: 27.85%	Proposed rate: 27.85%	Proposed rate: 27.65%	Proposed rate: 26.9%	Proposed rate: 26.9% or 25.9%
	Rate under current law: 27.9%	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%
Vacant Land	Proposed rate: 27.85%	Proposed rate: 29%	Proposed rate: 29%	Proposed rate: 29%	Proposed rate: 29%
	Rate under current law: 27.9%	Rate under current law: unchanged	Rate under current law: unchanged	Rate under current law: unchanged	Rate under current law: unchanged
Agricultural, Renewable Energy Producing Property	Proposed rate: 26.4%	Proposed rate: 26.4%	Proposed rate: 26.4%	Proposed rate: 26.4%	Proposed rate: 26.4% or 25.9%

	Rate under current law: unchanged	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%	Rate under current law: 29%
	Proposed rate: 26.4%	Proposed rate: 21.9%	Proposed rate: 21.9%	Proposed rate: 21.9%	Proposed rate: 21.9%
Renewable Energy Agricultural Land	Rate under current law: unchanged	Rate under current law: unchanged	Rate under current law: unchanged	Rate under current law: unchanged	Rate under current law: unchanged

Backfill payments to local governments for reduced property tax revenues

Proposition HH would authorize the state to reimburse local governments for lost property tax revenues through 2032. For the 2023 property tax year, backfill payments would be made using TABOR surplus revenue. Backfill payments for the property tax years 2024 through 2032 would be made through a one-time transfer of \$128 million from the state General Fund to the Local Government Reimbursement Cash Fund in the fiscal year 2023-24 and up to 20% of TABOR surplus revenue under the Proposition HH cap through 2032. Backfill payments would be reduced if they would cause a district to exceed its revenue limit. Starting in the tax year 2024, local government entities in counties with a population over 300,000 would become ineligible to receive backfill payments if their assessed valuation increases by more than 20% from the 2022 level.^[1]

Local property tax revenue limits

Proposition HH would limit the amount of property tax revenue that local governments could collect. The limit would go into effect in 2023 and would apply to all local governments except school districts and home rule cities and counties.^[5]

The amount of revenue that a local government can collect over the previous year’s property tax revenue would be limited to the rate of inflation in the Denver-Aurora-Lakewood area as measured by the Consumer Price Index. ^[5]

Revenue generated from new construction, changes in classification, annexations, refunds, oil and gas activities, producing mines, and bonds and other contractual obligations would not be subject to the limit.^[5]

If a local government plans to exceed the limit, it must provide notice and allow for public testimony. The local government must also adopt a resolution or ordinance to exceed the limit. If a local government exceeds the limit without following the required procedures, it must refund the excess amount to taxpayers.^[5]

Proposition HH Cap

Proposition HH would allow the state to retain and spend revenue in excess of the current limit, known as the Referendum C cap. The new limit, known as the Proposition HH cap, which would be calculated like the Referendum C cap, but with an additional growth factor of one percentage point per year. The Proposition HH cap would be adjusted annually for inflation, population growth, qualification and disqualification of enterprises, and debt service changes.^[5]

For example, the FY 2023-24 Proposition HH cap would be calculated based on the FY 2022-23 Referendum C cap, adjusted for inflation, population growth, qualification and disqualification of enterprises, debt service changes, and the one percentage point additional growth factor. The FY 2024-25 Proposition HH cap, and the cap for subsequent years through FY 2031-32, would be equal to the

prior year's Proposition HH cap, adjusted for the same factors, including an additional one percentage point growth factor each year.^[5]

State revenue retained above the Referendum C cap, up to the Proposition HH cap, would be deposited into the Proposition HH General Fund Exempt Account, with revenues to be used to first reimburse local governments (backfill) for lost property tax revenue. Second 5% or \$20 million, whichever is less, would be transferred to the Housing Development Grant Fund. Remaining revenue after local government reimbursements and the transfer to the Housing Development Growth Fund would be transferred annually to the State Education Fund.^[5]

Text of measure

Ballot title

The ballot question for the measure is as follows:^[1]

“ SHALL THE STATE REDUCE PROPERTY TAXES FOR HOMES AND BUSINESSES, INCLUDING EXPANDING PROPERTY TAX RELIEF FOR SENIORS, AND BACKFILL COUNTIES, WATER DISTRICTS, FIRE DISTRICTS, AMBULANCE AND HOSPITAL DISTRICTS, AND OTHER LOCAL GOVERNMENTS AND FUND SCHOOL DISTRICTS BY USING A PORTION OF THE STATE SURPLUS UP TO THE PROPOSITION HH CAP AS DEFINED IN THIS MEASURE?^[6] ”

Full text

The full text of the measure can be read below.

OTE: This bill has been prepared by the Legislative Council Staff and the Governor. To be taken other action on it, please see the bill story, or the Session Laws.



Fiscal note

The fiscal note prepared by the Legislative Council Staff is available [here](#).

Support

Supporters

Officials

- Gov. [Jared Polis](#) (D)
- State Sen. [Stephen Fenberg](#) (D)

Arguments

- **Senate President Steve Fenberg (D):** "That is the revenue that goes to support fire districts, to support libraries, to support schools. And that's a core part of making sure that we do this responsibly, rather than just saying property taxes are too damn high, so let's cut them and not think about the impact that has downstream to our local services."
- **Colorado Governor Jared Polis (D):** "Because of the very strong economy and very strong TABOR surplus, we are able to do both, we are able to not jeopardize or cut funding for our schools and provide important property tax relief today."

Opposition

Opponents

Individuals

- [Michael Fields](#) (R) - President of Advance Colorado Institute

Arguments

- **Mesa County Board of Commissioners:** "Borrowing \$20 from taxpayers and then giving back \$10 is not the intent of TABOR. It is alarming that local governments were not consulted on the bill or Prop HH. We believe strongly in local solutions that are designed for local problems. However, under the guise of lowering property tax, this is an underhanded and confusing attempt to work around TABOR. In addition, the proposition itself violates the single subject rule established to protect voters in Colorado."
- **Abe Laydon, Douglas County Commissioner Chair:** "Anyway you slice it, SB23-303 and Proposition HH do not prevent residential property owners in Douglas County from experiencing what will be the largest property tax increase in state history."
- **Michael Fields, president of Advance Colorado Institute:** "The repeal of the Gallagher Amendment was supposed to make things better, but I opposed it because it would inevitably lead to huge increases in property taxes for Colorado families. That is exactly what we are seeing across the state. The legislature created this problem. They said they would come up with a solution and they didn't. Now, the governor and legislature want us to give up our TABOR tax refunds for a tiny bit of property tax relief. It's another bad idea."

Campaign finance

See also: [Campaign finance requirements for Colorado ballot measures](#)

If you are aware of a committee registered to support or oppose this measure, please email editor@ballotpedia.org.

	Cash Contributions	In-Kind Contributions	Total Contributions	Cash Expenditures	Total Expenditures
Support	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Oppose	\$264.00	\$0.00	\$264.00	\$6.00	\$6.00

Background

Property taxes in Colorado

Property tax revenue in Colorado is collected by local governments and funds county government, public schools, junior colleges, and special districts. Colorado has not had a statewide property tax since 1964. The state sets assessment rates and local governments set the tax rate (mills) that are levied on the assessed value of the property. For example, for a \$100,000 home, the 2023 assessment rate of 6.765% means that \$6,765 is taxable. The local government's tax rate would apply to the \$6,765. For example, a tax rate of 100 mills (equal to mills/1,000) would mean that \$676.50 would be owed for property taxes on the house.^[7]

Amendment B of 2020, Gallagher Amendment Repeal

See also: [Colorado Amendment B, Gallagher Amendment Repeal and Property Tax Assessment Rates Measure \(2020\)](#)

Amendment B repealed the [Gallagher Amendment of 1982](#), which limited the residential and non-residential property tax assessment rates so that **residential** property taxes equaled 45% of the total share of state property taxes and **non-residential** property taxes equaled 55% of the total share of state property taxes.^[1]

Non-residential property: Under the Gallagher Amendment, property tax assessment rates were set in the state constitution to be 29% for non-residential property. The rate was fixed at 29% in the state constitution and could only be changed through a constitutional amendment. Amendment B repealed the 29% non-residential assessment rate. Non-residential property includes commercial property and oil and gas property.

Residential property: Under the Gallagher Amendment, the assessment rate for residential property was required to be adjusted before each 2-year reassessment cycle so as to maintain the 45%-55% split between the total share of property taxes paid between the two types of property. The residential assessment rate was initially set as 21% under the Gallagher Amendment but [decreased over time](#) to maintain the 45%-55% split. The residential property tax assessment rate for 2019-2020 was 7.15%. As of 2020, residential property in Colorado made up about 80% of the assessed value of all property in the state.^[8]

The legislature passed a companion bill, [Senate Bill 20-223](#), which was set to take effect alongside the constitutional amendment. Senate Bill 223 froze the then-current rates of 7.15% for residential property and 29% for non-residential property in state statute. SB 223 allowed the legislature to reduce the assessment rate in state law. Under the Gallagher Amendment, property tax assessment rates were expected to continue to decrease at the reassessment set to occur 2021 and going forward. Therefore, repealing the Gallagher Amendment and freezing property tax rates at current levels was expected to result in higher residential assessment rates than under the Gallagher Amendment. Due to the [Colorado Taxpayer's Bill of Rights \(TABOR\)](#), the legislature could not increase assessment rates without a statewide vote of the people.^{[1][4]}

Colorado Taxpayer's Bill of Rights (TABOR)

This measure requires voter approval under TABOR since it would increase state revenue.

TABOR limits the amount of money the state of Colorado can take in and spend. It limits the annual increase for some state revenue to inflation plus the percentage change in state population. Any money collected above this limit is refunded to taxpayers unless the voters allow the state to spend it.

To read about the Taxpayer's Bill of Rights, click [here](#).

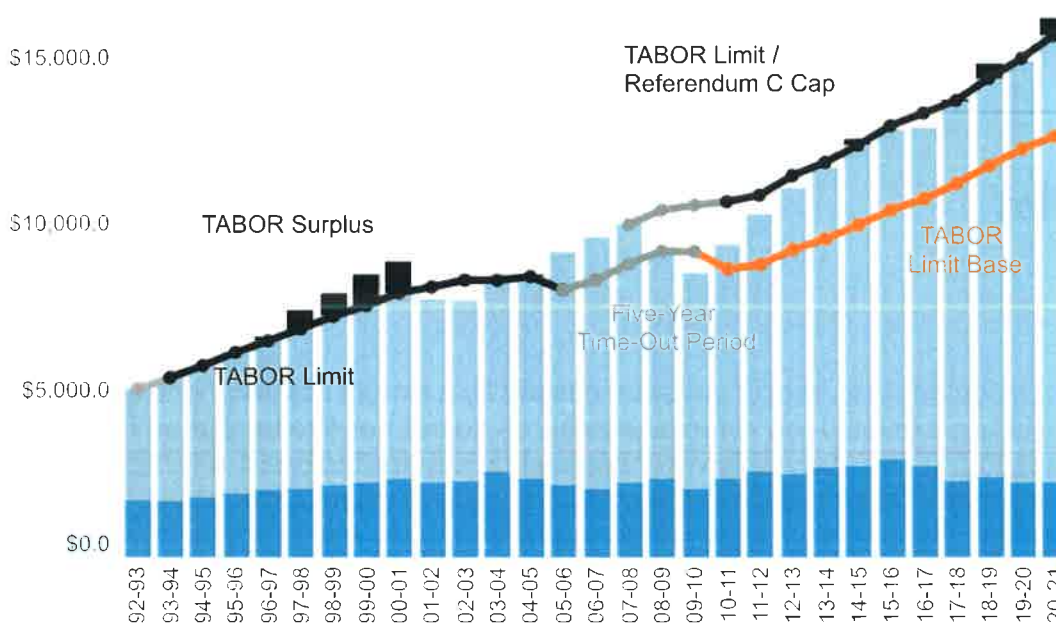
Referendum C of 2005

[Referendum C, approved by voters in 2005](#), authorized the state to retain and spend all of the money it collected above the TABOR limit on healthcare, public education, transportation projects, and local fire and police pensions for five years beginning with fiscal year (FY) 2005-06. During these five years, Colorado residents did not receive the refunds they would have otherwise received under TABOR. After the five-year period, referred to as "the timeout period," Referendum C authorized the state to **permanently** retain and spend revenue up to a cap, referred to as "the Referendum C cap" (equaling FY 2007-08 revenues adjusted by inflation plus population growth), beginning in FY 2010-11.^{[9][10][11]}

When state voters approve a tax increase or other revenue change, the resulting revenues are exempt from the TABOR limit on fiscal year spending. Below is a chart by the Colorado Legislative Council Staff detailing revenue limits under TABOR:^[12]

Revenue Subject to TABOR and the TABOR Limit

Dollars in Millions



Source: Colorado Office of the State Controller and Legislative Council Staff.

TABOR ballot measures

Since 1992, when TABOR was adopted, through 2022, Colorado voters have decided on 27 statewide ballot measures that would have increased revenue for the state, which required voter approval under TABOR.

- Eight measures asked voters if the state could retain revenue as a voter-approved revenue change that would have otherwise been refunded to taxpayers under TABOR;
- Five measures asked voters to adopt a *new* tax;
- Two measures asked voters to *eliminate* a tax exemption (thereby raising state revenue);
- One measure asked voters to reduce income tax deduction amounts;
- Nine measures asked voters to adopt a tax *increase*;
- One measure asked voters to adopt a tax *increase* and *new* tax; and
- One measure asked voters to adopt a tax increase *and* eliminate a tax exemption.

Eight (29.6%) of the 27 measures were approved while 19 (70.3%) were defeated.

The eight measures that were approved are as follows:

- [Colorado Tobacco Tax Increase for Health-Related Purposes, Initiative 35 \(2004\)](#);
- [Colorado State Business Income Tax Deduction Limit, Referendum H \(2006\)](#);
- [Colorado Proposition AA, Taxes on the Sale of Marijuana \(2013\)](#);
- [Colorado Marijuana TABOR Refund Measure, Proposition BB \(2015\)](#);
- [Colorado Proposition DD, Legalize Sports Betting with Tax Revenue for Water Projects Measure \(2019\)](#);
- [Colorado Proposition EE, Tobacco and E-Cigarette Tax Increase for Health and Education Programs Measure \(2020\)](#);
- [Colorado Proposition FF, Reduce Income Tax Deduction Amounts to Fund School Meals Program Measure \(2022\)](#); and
- [Colorado Proposition 123, Dedicate State Income Tax Revenue to Fund Housing Projects Initiative \(2022\)](#).

In addition to the above measures, [Referendum C, approved by voters in 2005](#), authorized the state to retain and spend all of the money it collected above the TABOR limit on healthcare, public education, transportation projects, and local fire and police pensions for five years beginning with fiscal year (FY) 2005-06.

Path to the ballot

The state process

In Colorado, a [legislatively referred state statute](#) must be passed by a simple majority vote in each chamber of the [state legislature](#). Legislatively referred measures do not need to be signed by the [governor](#). Due to the [Colorado TABOR](#), statewide voter approval is required to enact any legislation to increase government revenue at a faster rate than the combined rate of population increase and inflation.

The measure was introduced as Senate Bill 23-303 on May 1, 2023. After amendments, on May 8, 2023, the measure was passed in the House by a vote of 45-17 with three members absent and in the Senate by a vote of 23-12. The measure was passed along partisan lines with Democratic members in favor and Republican members opposed. Governor [Jared Polis](#) (D) signed the bill on May 24, 2023.^[1]

Vote in the Colorado House of Representatives May 8, 2023				Vote in the Colorado State Senate May 8, 2023			
Requirement: Simple majority vote of all members in each chamber				Requirement: Simple majority vote of all members in each chamber			
Number of yes votes required: 22 ✓				Number of yes votes required: 18 ✓			
	Yes	No	Not voting		Yes	No	Not voting
Total	45	17	3	Total	23	12	0
Total percent	69.23%	26.15%	4.62%	Total percent	65.71%	34.29%	0.00%
Democrat	45	0	1	Democrat	23	0	0
Republican	0	17	2	Republican	1	12	0

PUBLIC NOTICE

Notice is hereby given that beginning on July 1, 2023 the County Board of Equalization will sit in the San Juan County Courthouse to review the assessment roll of all taxable property located in the county, as prepared by the County Assessor, and to hear appeals from determinations made by the Assessor.

The San Juan county Commissioners acting as the San Juan County Board of Equalization will hear appeals from July 1 to August 5 for taxpayers that disagree with the property value established by the assessor.

The first step of the appeal process is for property owners to file objections with the assessor. Only those who filed timely objections with the assessor may petition the county board for a hearing. The deadline for filing an appeal with the county board is July 15 for real property and July 20 for personal property.

A hearing will be scheduled for you to present information supporting your objection to the county board. The county board must mail a written decision no later than August 12. If you disagree with the county board's decision, you may carry your appeal to the Board of Assessment appeals, district court, or request a binding arbitration hearing. The appeal must be filed within 30 days of the county board's decision.

