

SAN JUAN REGIONAL PLANNING COMMISSION
AGENDA
July 15, 2025
San Juan County Courthouse

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

- 7:00 PM Roll Call of Members and Minutes
Minutes of June 17, 2025**
- 7:10 PM Improvement Permit Sketch Plan Application – Isaiah Branch-Boyle,
Senior Warden Lode, Single Family Dwelling**
- 7:40 PM George Riley – Boundary Line Adjustment Lots 1 and 2 Cole Ranch
Subdivision**
- 8:00 PM David Breed – Improvement Permit Preliminary/Final Application Ute Chief
Lode, Single Family Dwelling**
- 8:40 P.M. Damon Rose – Improvement Permit Preliminary/Final Application Hector
Lode**
- 9:00 P.M. Public Hearing: 2025-10 An Ordinance of the Town of Silverton Amending
Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding
Deed Restrictions for the Expedited Review of Affordable Housing
Developments.**

OTHER:

Times listed above are approximate.

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

ADJOURN: Next Regular Meeting – 7:00 PM, Tuesday August 19, 2025

Join Zoom Meeting

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

Meeting ID: 921 3647 3203

One tap mobile

+16699006833,,92136473203# US (San Jose)

+12532158782,,92136473203# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 921 3647 3203

The San Juan Regional Planning Commission met virtually via zoom and in the Commissioner meeting room on June 17, 2025, at 7:05 PM with roll call showing the following attendance

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

Present via Zoom were Bev Rich, Melissa Childs, Jim Harper, DeAnne Gallegos, Christopher Langford, AK Paddlane's, Joe Ward RN, iPhone 375, Lisa Adair, Storm Perrelli's, Kaleb Bryan, and Matthew. Present in the San Juan County Meeting Room were William Tookey, Land Use Administrator and Chris Tookey, Secretary, along with Jim Weller, Ken Safranski, Lyndsey Halvorson, Austin Lashley, Llyod Swartz, Blake Campbell, Stephen Liselle, and Bevin Harris.

MINUTES: April 15, 2025

Austin Laashley moved to approve the minutes. Ken Safranski seconded the motion. The motion passed unanimously with a show of hands.

IMPROVEMENT PERMIT SKETCH PLAN APPLICATION—PROPOSED CAMPSITES 1208 LIME CREEK ROAD TO CONSTRUCT AND OPEERATE A 3-SITE CAMPGROUND WITH BATH SEPTIC SYSTEM, DRIVEWAY AND ASSOCIATED IMPROVEMENTS.

Christopher Laangford, the applicant was present via Zoom to answer any questions.

After presentations from William Tookey, Land Use Administrator, and the background of the project, a period of Public Hearing was called at 7:25 pm by Chairman Weller.

Numerous people gave input, some who had property in the area and had questions and concerns that could be answered. The Public Hearing closed at 7:45pm.

After the Public Hearing, the Planning Commission members discussed the concerns that were brought up during the hearing and their concerns regarding insurance, fire concerns, bear proof dumpster, how will the campground be managed? An additional condition was added for a detailed management plan by the Planning Commission. Ken Safranski made a motion to recommend to the San Juan County Commissioners that they approve the proposed County Improvement Permit Application Sketch Plan with the ten conditions. Jim Weller seconded the motion and asked for a roll call vote. The roll call vote was as follows: Weller/yes, Safranski/yes, Rich/yes, Childs/yes, Halvorson/yes, Harper/yes, Lashley/no. The motion passed 6-1.

A letter was sent to the San Juan County Commissioners for their meeting on July 9.

**PRELIMINARY PLAN SUBMISSION—FOR THE SUBDIVISION OF THE
PROPOSED OVERLAND ESTATES.
LLOYD AND ESTHER SWARTZ ARE THE OWNERS**

Lloyd Swartz was present in the Commissioners Room.

William Tookey, Land Use Administrator, went over items 1-19 that were listed in the Sketch Plan Conditional Letter of Approval dated March 13, 2025. The items were black font. The “red font” is the staff review and response to the conditions necessary for the Preliminary Plan Application.

After a lengthy discussion of the application, the Planning Commission expressed concerns that the conditions had not been adequately addressed and that additional information was needed. Austin Lashley made a motion to table the application until the necessary information listed in the Conditional Letter of Approval was submitted.

Jim Harper seconded the motion. The applicant agreed to allow the application to be tabled. Jim Weller asked for a roll call to this motion to table. The roll call was as follows:

Weller/yes, Safranski/yes, Rich/yes, Childs/yes, Halvorson/yes, Harper/yes, Lashley/yes. The motion passed unanimously with a roll call.

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Christine M. Tookey, Secretary

MEMORANDUM

July 15, 2025

TO: San Juan Regional Planning Commission
FR: William A. Tookey, Land Use Administrator
RE: Senior Warden Lode

Isaiah Branch Boyle has submitted an Improvement Permit application for the development of a Single-Family Residential structure, driveway and associated utility improvements on the Senior Warden Lode USMS 13298. The property is located near Molas Lake. It will be accessed from US 550.

The applicant is also requesting approval for the property to be used as a vacation rental.

The property is currently owned by Isaiah Branch-Boyle. The total acreage is 3.877.

The Improvement Permit application fee has been paid.

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

The property is located with the Mountain Zoning District and the Scenic Preservation Overlay District.

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

The Senior Warden Lode is 3.877 acres and does not meet the minimum lot area.

The proposed residential structure meets the setback requirements.

The proposed structure is approximately a 1280 sq. ft. single story unit with a 308 sq. ft. covered deck and a 384 sq. ft. shed.

1-111.5 NONCONFORMING LOTS: Nonconforming lots, pursuant to pre-existing subdivision plats of record at the time of passage of this resolution, may be built upon providing that all other relevant district requirements are met.

While this is not a nonconforming lot in a pre-existing subdivision, it does recognize that there are parcels that were nonconforming at the time these regulations were adopted.

Scenic Preservation Overlay District

1-114.6 Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors.

The Land Use Regulations allow for additional requirements minimize and preserve the visual impact to the view sheds and view corridors.

It appears that the applicant is attempting to minimize the visual impact. However, I do have concerns that the proposed improvements would have an adverse impact to the view sheds and corridors. It is likely that additional screening could be required if the application is approved.

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

LU-2.1 Encourages future development in the economic corridors which include the upper Animas Valley from Silverton to Eureka, Cement Creek from Silverton to Gladstone and the South County Line to just above the Mill Creek Subdivision. And Strategy LU-2.2 Identify areas in the growth corridors that are suitable for residential use considering natural hazards, habitat resources, scenic impacts and sensitivity to residential land uses. The proposed development is not located in the identified growth corridors.

However, the Master Plan notes that private property rights are respected in San Juan County. The Plan also states that residential development on mining claims are to be built in low-visibility places outside of environmentally sensitive areas, leaving visible ridgelines and other scenic resources undeveloped and minimizing the impacts on the environment.

I believe this application is attempting to meet the intent of the Master Plan.

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

The applicant has applied for water rights to Sultan Creek to fill a cistern located on the property. The applicant would also use water from the Town

of Silverton. The applicant would need to work with Town to amend the EQR for his current billing rate.

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

The applicant will install an engineered and permitted septic system on the site. The system is designed by Dudley Ashwood, a Colorado Licensed Engineer. The applicant will need to submit a permit application to San Juan County Public Health.

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

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

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

- 1. The applicant has included a scenic quality report. It appears that the residence has been located to minimize the visual impact. The building site will need to be staked by a Colorado Licensed Surveyor, and the applicant will need to construct a story pole on the building site equal to the maximum height of the building to better determine what the potential visual impact may be.**
- 2. There are remnants of a historic mill building and the collapsed Molas Mine portal. The proposed improvements should not have any impact. I have not yet visited the site. If it appears that there is any potential that the site has any historical significance or historic artifacts on site, the Historic Review Committee would need to visit the site for review and recommendation prior to the issuance of the permit. If any artifacts are discovered during construction the construction would be shut down until the Historic Review Committee or qualified archeologist has the opportunity to review the site.**
- 3. The improvements should create minimal adverse impacts upon wildlife. All solid waste, garbage and refuse must be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is properly disposed of at the Transfer station. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.**

The applicant plans to use solar, hydro-electric and propane for power and solar and two wood burning stoves for heat. The applicant plans two wood burning

devices for an emergency heat source. The Land Use Regulations require that Propane tanks that are 250 gallons and larger shall be buried where geologic conditions permit when there may be a risk of wildfire and a threat to public safety. They also require that any wood-burning stove or device used on the site shall be the type and model approved by the Environmental Protection Agency (EPA) and shall be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire.

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

The applicant does not currently have access to the property. He has submitted an Access Permit application to CDOT to have access from US 550. He has also submitted an Access Permit application to BLM to construct a roadway 555 long with a driving surface of 12 feet to access the property. Both permits would need to be approved before any development could occur on the property.

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

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

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

It appears that the property is located outside of any potential avalanche zone.

The County Geohazard Map identifies the site as CST-colluvial slope/talus. A letter from Trautner Geotech LLC is included.

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

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

I have not yet conducted a site visit but plan to do so to identify if there are any historic public use trails on site. The site is heavily used in the winter for snowmobiles, snowshoeing and cross-country skiing. It is important that these historic uses are preserved.

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

If the Planning Commission chooses to recommend approval of the proposed Senior Warden Sketch Plan they should do so with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Senior Warden Lode shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.
3. That an obtain an On-Site Wastewater Treatment Permit reviewed and approved by La Plata County Public Health and issued by San Juan County Public Health Department.
4. The Land Use Administrator visits the site prior to the Preliminary/Final review.
5. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.
6. That a Colorado Licensed Surveyor shall provide 2ea. 24" X 26" survey plats identifying the location of improvements, setbacks and the access road.

7. The driveway will need to be staked by a Colorado Licensed Surveyor. Grade and width specification concerning the driveway be provided and that the visual impact of the driveway be considered.
8. If any historic public trail is identified, it will need to be added to the certified survey plat.
9. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.
10. That the applicant be placed on the Town of Silverton's Utility billing system for water and refuse.
11. That the applicant completes and submit a Vacation Rental Application complete with the \$300 application fee.
12. That the applicant agrees to provide vegetative screening as necessary, using conifer trees that are native to the sight. The trees shall be adequate in number and height to provide sufficient screening.
13. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
14. Any other conditions that the Planning Commission deems necessary.

The Planning Commission would also need to recommend that the minimum parcel size of 5 acres be waived.

Should the Planning Commission recommend that the application be denied they should do so on the grounds that the Senior Warden Lode does not meet the minimum parcel area.



SAN JUAN COUNTY COLORADO

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

July 3, 2025

To Whom It May Concern:

This letter is to inform you that Isaiah Branch-Boyle has submitted an Improvement Permit Application to construct a single-family cabin, driveway and associated utility improvements on the Senior Warden Lode, MS #13298 located near Molas Lake. The property would be accessed from US 550.

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

It is anticipated that this application will be reviewed by the Planning Commission during their meeting of July 15, 2025.

It is further anticipated that the application a Public Hearing will be held by the County Commissioners to receive public comment during their regular meeting of August 13, 2025. Both meeting can be attended in person or via Zoom. The login information for connecting to Zoom is:

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

By Telephone: Dial 1 669-900-6833 and enter the Webinar ID 92136473203 when prompted.
Meeting ID: 921 3647 3203

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

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

Sincerely,

William A. Tookey
Land Use Administrator

MEMORANDUM

July 15, 2025

TO: San Juan Regional Planning Commission

FR: William A. Tookey

RE: Riley Boundary Line Adjustment – Cole Ranch Subdivision Lot 1 and Lot 2

George Riley has submitted an application for a Boundary Adjustment for Lots 1 and 2 of the Cole Ranch Subdivision. The Boundary Adjustment will also require an amendment to the Cole Ranch Subdivision Plat.

Lot 1 is owned by Julie and Todd Sams and Lot 2 is owned by Anna and George Riley. Todd and Julie Sams are in agreement with the requested Boundary Adjustment.

The application also includes an Improvement Permit application to construct a fence and will require

7-110.4 allows the County Commissioners to exempt the division of land that does not coincide with the intent and purpose of regulating the subdivision of land. It has been the policy of the county to exempt boundary adjustments as long as no additional parcels were created.

Guidelines for a Boundary Adjustment are as follows:

1. **A Colorado licensed surveyor would need to provide a survey of the external boundary of the claims in their entirety and that the corners be set to identify the new internal boundaries.**

The applicant has had the property surveyed and the corners set to identify the new boundaries.

2. **That licensed surveyor would provide a Plat of the new parcels. The Plat shall meet all applicable requirements listed in 7-111 Final Plat Requirements, San Juan County Zoning and Land Use Regulations.**

The applicant has provided a draft surveyed Plat that identifies the adjusted boundaries.

3. **The plat would identify the new parcels as “Parcel Name” Revised. The plat would have a signature block for the Chairman of the BOCC to sign along with anyone that has an ownership interest in the properties.**

The Plat identifies Lot 1 as Lot 1A and Lot 2 as Lot 2A.

4. **The Plat would need to identify all county roads within the property.**

The Subdivision Plat identifies the county roads within the subdivision. There will be no changes to the county roads.

- 5. The Plat would need to identify any existing public access trails that may be located within the property parcels.**

There was no public access trails identified during the Cole Ranch Subdivision process.

- 6. The Plat would need to identify any access easements located on these properties.**

There are no access easements located on these properties

- 7. Upon approval the Plat would need to be recorded in the office of the San Juan County Clerk and Recorder.**

The applicant will need to provide a 24" x 36" mylar copy of both the Boundary Adjustment Plat and the Amended Subdivision Plat to be recorded with the Clerk and Recorder.

- 8. The area of the new parcels must be greater than 5 acres.**

- 9.** The proposed Boundary Adjustment would reduce the size of Lot 1 while increasing the size of Lot 2. The area of Lot 1 located on the east side of County Road 2 would be removed from Lot 1 and added to Lot 2. Lot 1 is currently 3.98 acres and Lot 2 is currently 4.17 acres. The Boundary Adjustment would reduce the area of Lot 1 to approximately 2.6 acres and increase the area of Lot 2 to 5.6 acres. Normally a Boundary Adjustment that would create a parcel area smaller than 5 acres would be denied. However, because the Lots are part of a subdivision that already approved lots that are less than 5 acres in size and because County Road 2 already separates this portion of Lot 1, a Boundary Adjustment seems a reasonable request.

- 10. No additional parcels can be created.**

No new building sites would be created.

- 11. The boundary adjustment shall not adversely impact surrounding properties, create irregular boundary lines, or impact access to public lands.**

It does not appear that the proposed Boundary Adjustment would adversely impact surrounding properties. The adjacent property owners have been notified of the application.

The Boundary Adjustment does not create irregular boundary lines or impact access to public lands.

12. Approval of a boundary adjustment shall in no way be considered an indication of future approval of an improvement or use permit.

Mr. Riley is requesting an Improvement Permit to extend his fence into the adjusted Lot 2A. The Sams will need to complete their Improvement Permit Application to construct a single-family home on the west side of Lot 1A.

13. The applicant would acknowledge that any development on these properties will require an individual Improvement Permit for each parcel.

This is a suggested condition of approval.

14. The applicant would acknowledge that any publicly accessed trails on these properties will remain open for public use.

Not aware of any public trails located on the properties.

This application also requires a Plat Amendment to the Cole Ranch Subdivision Plat. As this is part of a subdivision any changes to the internal boundaries have to be reflected in the Subdivision Plat.

This application also includes an Improvement Permit request for the extension of the current fence onto the portion of Lot 1 on the east side of County Road 2 that would become part of Lot 2A if the Boundary Adjustment is approved. The installation of a gate has also been proposed for the new fence. Previous applications that include gates have been encouraged and/or required to construct gates that are functional and not ornamental to minimize the visual impact.

This is a minor improvement to the property and the applicant has provided a scenic quality report to show the visual impact.

The Board of County Commissioners has previously reviewed and conditionally approved the Sketch Plan application.

The San Juan Regional Planning Commission has the option to recommend approval of the application as submitted, approval of the application with conditions, deny the application or, delay a decision until additional information can be provided.

Should the Planning Commission choose to recommend approval that this requested Boundary Adjustment be exempt from the subdivision regulations, that the Cole Ranch Subdivision Plat be amended to reflect this Boundary Adjustment and that a fence with gate improvements be allowed they should do so with the following conditions:

1. That a Colorado licensed surveyor provides a survey of the boundaries of Lot 1A and Lot 2A of the Cole Ranch Subdivision in their entirety and that corners be set to identify the new boundaries.

2. That a Colorado licensed surveyor provides a Plat of the new parcels. The Plat shall meet all applicable requirements listed in 7-111 Final Plat Requirements, San Juan County Zoning and Land Use Regulations. The Plat shall include a signature block for the Chairman of the BOCC to sign along with anyone that has an ownership interest in the properties.
3. That the Plat identifies the new parcels as Lot 1 Revised and Lot 2 Revised.
4. That the Plat identifies a 60 foot right of way for all county roads.
5. That a Colorado licensed surveyor provides an Amended Plat for the Cole Ranch Subdivision. The Plat shall meet all applicable requirements listed in 7-111 Final Plat Requirements, San Juan County Zoning and Land Use Regulations.
6. That the Plat be recorded in the office of the San Juan County Clerk and Recorder.
7. That the gate shall be strictly for functional purposes to minimize any visual impact.
8. That the applicant acknowledges that any additional development on these lots, will require an individual Improvement Permit for each lot.
9. Any additional stipulations that the Planning Commission determines to be appropriate.

MEMORANDUM

July 15, 2025

TO: San Juan Regional Planning Commission

FR: William A. Tookey

RE: Ute Chief Lode #18463

David Breed has submitted an Improvement Permit application for the development of a 1000 sq. ft. cabin, 200 sq. ft. shed and associated utility improvements on the Ute Chief Lode MS 18463. The property is located in Deer Park and will be accessed by Country Road 33A.

The property was previously approved for the development of a cabin, shed and associated utilities in 2014. The development did not occur, and the property was sold. A copy of the Staff Report from Planning Director Bob Nevins was included in the Sketch Plan application.

The property is currently owned by David Breed and the taxes are current.

The application fees have been paid.

The adjacent landowners were notified via US Mail of the proposed Improvement Permit application.

Mountain Zoning District requires a minimum parcel or lot area of 5 acres with a setback of 20 feet from public lands and 30 feet from private property lines. The Ute Chief Lode is 10.33 acres. The proposed cabin would exceed the setback requirements.

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

The applicant plans to haul water to the site and store it in a cistern. The applicant has also submitted an application for surface water rights that would be stored in a secondary cistern. The size of the cisterns has not been specified

The applicant will install a septic system engineered Colorado Licensed Professional Engineer Dudley Ashwood in compliance with San Juan Public Health regulations.

The proposed improvements in a heavily forested area and should have minimal impact on the adjoining properties. Adjoining property owners have been previously notified.

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

It does not appear that the site has any historic significance. If any historic artifacts are discovered during construction the site will be shut down until the Historic Review Committee or a qualified architect can review the site.

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 will access the property via a previously constructed driveway from CR 33A.

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.

The proposed cabin and building envelope does not appear to be located in a potential Avalanche Hazard Zone.

The County Geohazards Map identifies that the cabin site as cst, defined as an area of thick colluvial or glacial accumulations, generally thicker than 6 feet with a potential for mass failure.

It does not appear that there are any public trails identified on this property. If any trails are identified, they will need to be added to the certified survey plat.

A Cumulative Impact Report was submitted.

The applicant will be required to be placed on the Town's utility billing system for water and refuse. If a primary water source is developed on site, the applicant may be approved to be removed from the water utility billing system.

The Planning Commission has the option to recommend approval as submitted, approval with conditions, denial or defer a decision to a later date to receive additional information.

Should the Planning Commission choose to recommend approval, they should do so with the following conditions prior to the issuance of an Improvement Permit

- 1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.**
- 2. All improvements to the Ute Chief Lode shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.**

3. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.
4. If any historic artifacts are discovered on site during the excavation or construction, all work on the project will be stopped immediately until the Historic Review Committee or qualified archeologist can visit the site to document and preserve those artifacts.
5. That the applicant be placed on the Town of Silverton's Utility billing system for refuse and water.
6. That the septic system be engineered and permitted.
7. That the on-site water be tested for potability.
8. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
9. Any other conditions that the Planning Commission deems necessary.

MEMORANDUM

July 15, 2025

TO: San Juan Regional Planning Commission

FR: William A. Tookey, Land Use Administrator

RE: Hector Lode

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

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

The application fees have been paid.

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

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

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

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

The proposed residential structure meets the setback requirements.

The proposed structure is approximately 4200 sq. ft. single story unit.

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

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

An existing well will be used for potable water.

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

The applicant plans to use propane for cooking and as backup heating. The Land Use Regulations require that Propane tanks that are 250 gallons and larger shall be buried where geologic conditions permit when there may be a risk of wildfire and a threat to public safety.

The applicant plans two wood burning devices for an emergency heat source. The Land Use Regulations require that any wood-burning stove or device used on the site shall be the type and model approved by the Environmental Protection Agency (EPA) and shall be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire.

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

The applicant has included a scenic quality report. It appears that the residence has been located to minimize the visual impact. The building site was staked by a Colorado Licensed Surveyor, and a story pole equal to the maximum height of the building was constructed on the building site. The elevation of the building site will be reduced by 5 feet to help minimize the visual impact. While the location of the proposed structure is surrounded by trees, the size of the structure and Firewise Safety Requirements could reduce the screening. The applicant may have to provide pine trees of comparable size to the trees that are being removed to provide adequate screening.

After visiting the site I do not believe that the site has any historic significance, If any artifacts are discovered during construction the project would be shut down until the Historic Review Committee or qualified architect has the opportunity to review the site.

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 has a permitted and developed access from US 550. The application includes extending the driveway to the proposed building location.

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. The elevation of the building site will be reduced by 5 feet and there will be the construction of retaining walls for the driveway.

It appears that the majority of the project site and all of the proposed building envelope is outside of any potential avalanche zone.

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

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

I have not located any historic public use trails on site.

A Cumulative Impact Report was completed.

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

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

The Board of County Commissioners has previously reviewed and conditionally approved the Sketch Plan application.

The San Juan Regional Planning Commission has the option to recommend approval of the application as submitted, approval of the application with conditions, deny the application or, delay a decision until additional information can be provided.

If the Planning Commission chooses to recommend approval of the proposed Hector Lode Improvement Permit Preliminary/Final Plan Application they should do so with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Hector Lode shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.
3. That an On-Site Wastewater Treatment Permit application be submitted to the La Plata County Public Health Department.
4. That the Hector Lode USMS 14327, Hector Millsite USMS 14327B, Smith Mill Site USMS 17849B and Cook Mill Site USMS 17848B be consolidated into one property. The Consolidation Plat shall be prepared by a Colorado Licensed Surveyor on a 24" x 36" Mylar and will be recorded with County Clerk and Recorder.
5. If any historic public trail is identified it will need to be added to the certified survey plat.

6. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.
7. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
8. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
9. Any other conditions that the Planning Commission deems necessary.



AGENDA MEMO

SUBJECT: Ordinance 2025-10 An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.

STAFF CONTACT: Lucy Mulvihill

MEETING DATE: 7/15/2025

Overview:

Before you for consideration and recommendation to the Board of Trustees is Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.

This ordinance is primarily a housekeeping amendment intended to align the Town's existing expedited review process for affordable housing with the requirements of Proposition 123, in order to maintain eligibility for a \$50,000 DOLA Planning Capacity Grant. This grant will support the salary of the Housing Authority Director position.

BACKGROUND

The Town of Silverton has opted into Proposition 123, a state initiative that provides affordable housing funds to eligible entities, including municipalities. Participating municipalities must adopt an expedited review process to reduce regulatory barriers to the development of affordable housing.

Silverton met this requirement during the 2024 Land Use Code update by adopting an expedited review process for qualifying affordable housing projects. However, upon review, the Department of Local Affairs (DOLA) determined that the Town's language was overly restrictive. Specifically, the requirement that affordable units remain affordable for a minimum of 99 years. DOLA recommended that this provision be removed from the expedited review section or relocated elsewhere in the code.

PROPOSED CHANGES

To complying with Proposition 123, the following adjustments are proposed through Ordinance 2025-10:

- The 99-year affordability requirement has been relocated to the Definitions section of the Land Use Code.
- Language has been added to provide flexibility, allowing the Board of Trustees to approve projects with a shorter affordability period through a Development Agreement between the Town and the developer.

The draft ordinance has been reviewed and approved by the Town Attorney and DOLA for compliance with Proposition 123.

Staff Recommendations:

Approve Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.

Master Plan/Board Priority:

Preserve and expand affordable housing options

Attachments:

1. Ordinance 2025-10, An Ordinance Of The Town Of Silverton Amending Chapter 15, Articles 8 And 11 Of The Silverton Land Use Code Regarding Deed Restrictions For The Expedited Review Of Affordable Housing Developments.



AGENDA MEMO

SUBJECT: Ordinance 2025-10 An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.

STAFF CONTACT: Lucy Mulvihill

MEETING DATE: 7/15/2025

Suggested Motion or Direction:

- **Approval:** I move to approve Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.
- **Approval with Conditions:** I move to approve Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments, with the following conditions [insert conditions].
- **Continuance:** I move to continue the review of Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments, to [insert date certain].
- **Denial:** I move to deny Ordinance 2025-10: An Ordinance of the Town of Silverton Amending Chapter 15, Articles 8 and 11 of the Silverton Land Use Code Regarding Deed Restrictions for the Expedited Review of Affordable Housing Developments.



**TOWN OF SILVERTON COLORADO
ORDINANCE 2025-10**

AN ORDINANCE OF THE TOWN OF SILVERTON AMENDING CHAPTER 15, ARTICLES 8 AND 11 OF THE SILVERTON LAND USE CODE REGARDING DEED RESTRICTIONS FOR THE EXPEDITED REVIEW OF AFFORDABLE HOUSING DEVELOPMENTS.

WHEREAS, the Town of Silverton (“Town”), Colorado is a statutory town incorporated and duly organized under the laws of the state of Colorado; and

WHEREAS, the Town of Silverton acting by and through its Town Board of Trustees has the power to regulate land use matters pursuant to Colorado Revised Statutes (C.R.S.) Section 31, Article 23 et seq.; and

WHEREAS, the Board of Trustees finds it in the interest of public health, safety, and welfare to amend the Town regulations concerning the definition of Affordable Housing to include a minimum number of years for deed restrictions on property qualifying as Affordable Housing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO:

- I. **Amendment to Chapter 15, Article 8, Section 15-8-30 - General Terms of the Silverton Land Use Code.** Chapter 15, Article 8, Section 15-8-30 of the Municipal Code is amended by deleting the stricken language of paragraph (c)(2)c. of Section 15-8-30, as follows:

15-8-30 Specific Procedures – Administrative Decisions

(c) Expedited Review for Affordable Housing

(2) Applicability

- c. In order to qualify for Expedited Review, at least 50 percent of the residential units in the development must qualify as affordable housing, as defined by this LUC., ~~and those units will remain affordable for a period of at least 99 years.~~

- II. **Amendment to Chapter 15, Article 11, Section 15-11-30 - General Terms of the Silverton Land Use Code.** Chapter 15, Article 11, Section 15-11-30 of the Municipal Code is amended by adding the underlined paragraph 3. to Section 15-11-30, “Affordable Housing” definition as follows:

15-11-30 General Terms.

Affordable Housing

1. Rental housing that is affordable to a household with an annual income at or below 80 percent of the area median income, and for which the rent payment costs the household

less than 30 percent of its monthly income.

2. For-sale housing that could be purchased by a household with an annual income at or below 140 percent of the area median income, for which the mortgage payment costs the household less than 30 percent of its monthly income.
 3. Any owner/developer seeking Expedited Review for Affordable Housing pursuant to Section 15-8-30(c) of this LUC is also required to deed restrict at least 50% of the residential units of the development in accordance with the requirements outlined in paragraphs 1. and 2. above for a minimum of 99 years or as outlined in a development between the owner/developer and the Town.
- III. **Incorporation of Recitals.** The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.
- IV. **Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.
- V. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.
- VI. **Posting, Publication and Effective Date.** Following the passage of this Ordinance on second reading, the Town Clerk shall publish this Ordinance in full in a newspaper published within the limits of the Town. This Ordinance shall take effect 30 days after such publication.

INTRODUCED, READ, AND ORDERED FOR SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF SILVERTON, ON THE 28 DAY OF JULY 2025.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk

FINALLY PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING AND ORDERED POSTED AND PUBLISHED IN THE MANNER PROVIDED IN SECTION VII HEREOF BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN HALL ON THE 11 DAY OF AUGUST 2025, BY A VOTE OF THIS ORDINANCE AS IS ON FILE IN THE TOWN CLERK’S OFFICE FOR PUBLIC INSPECTION.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk

