

**SAN JUAN REGIONAL PLANNING COMMISSION  
AGENDA  
SEPTEMBER 17, 2024  
SAN JUAN COUNTY COURTHOUSE**

San Juan Regional Planning Commission meetings will 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**

**7:05 PM      Improvement Permit Application**

David Breed, Ute Chief Lode MS 18463 Sketch Plan Application for the development of a single-family dwelling and associated utility improvements located in the Deer Park area accessed from CR 33A

**7:25 PM      Improvement Permit Application**

Travis Mohrman, GW Lode MS 1132 Sketch Plan Application for the construction of a 160 sq. ft storage shed at the Opus Hut located near Ophir Pass and accessed from CR 8

**7:45 PM      Town of Silverton Land Use Code Update Work Session**

**OTHER:**

**ADJOURN: Next Regular Meeting – 6:30 PM, Tuesday October 15, 2024**

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 San Juan Commission meeting room on August 20, 2024, at 7:03 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		

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

**MINUTES: July 16, 2024**

Jim Weller made a motion to approve the minutes of July 16, 2024, with a second from Ken Safranski. The motion passed unanimously with a show of hands.

**COUNTY IMPROVEMENT PERMIT APPLICATION PRELIMINARY/FINAL PLAN APPLICATION TENNESSEE LODGE MS 5985. FOR DEVELOPMENT OF SINGLE-FAMILY DWELLING AND ASSOCIATED UTILITY IMPROVEMENTS LOCATED IN THE MINNEHAHA CREEK AREA ACCESSED FROM CR51.**

The owners Thomas (in room) and Jackie Bonanno (on Zoom) were present to answer questions. After background of the project from William Tookey, Land Use Administrator and comments from the owner, the Chairman opened the meeting for public comments. Since there were no further comments the Public, the Hearing was closed. The members of the Planning Commission were given time to express any concerns. The lengthy discussion and going over the background of the project, questions regarding condition #8, the subdivision language and further presentations from the owner, the Planning Commission then made a motion from Ken Safranski to recommend to the San Juan County Commissioners that they approve the County Improvement Permit Application Preliminary/Final Plan with conditions as presented and with the exception of # 8. Jim Harper seconded the motion, and the motion passed unanimously with a roll call vote.

A letter was sent to the San Juan County Commissioners.

**William Tookey gave some updates from the last Commissioners meetings. The WINEMUCCA Preliminary/Final Plan was approved. The vacation rental item was left as conditional. He also told them about the trip to Silver Cloud**

The meeting was adjourned at 8:20 PM.

Respectfully Submitted.

Christine M. Tookey, Secretary

MEMORANDUM

September 17, 2024

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 is included in the application.

The property is currently owned by David Breed 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.

**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.

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 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**

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

**The applicant has proposed installing an engineered septic system in compliance with San Juan Public Health regulations.**

- 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 cabin has been located to minimize the visual impact.**
- 2. I do not believe that the site has any historic significance, but an historical review of the site would be required prior to development of the property.**
- 3. The improvements should create minimal adverse impacts upon wildlife. All solid waste, garbage and refuse must be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is properly disposed of at the Transfer station.**

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

**The applicant will access the property via CR 33A. The driveway to the property has already been constructed.**

- 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.

**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 is an area of thick colluvial or glacial accumulations, generally thicker than 6 feet with a potential for mass failure.**

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

**I do not believe 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.**

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

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

The Planning Commission has the option to recommend approval as submitted, approval with conditions or denial.

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 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 proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.
6. That the Land Use Administrator visits the site after the proposed improvements have been identified and staked on site and prior to the submittal of the Preliminary/Final Application.
7. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
8. That a Cumulative Impact Report be submitted with the Preliminary/Final Application.
9. That the septic system be engineered and permitted.
10. That the on-site water be tested for potability.
11. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
12. Any other conditions that the Planning Commission deems necessary.



# SAN JUAN COUNTY COLORADO

1557 GREENE STREET

P.O. BOX 466

SILVERTON, COLORADO 81433

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

September 5, 2024

To Whom It May Concern:

This letter is to inform you that David Breed has submitted an Improvement Permit Application to construct a 1000 sq. ft. single-family cabin and associated utility improvements on the Ute Chief Lode. MS #18463 located in Deer Park and accessed by County Road 33A.

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 September 17, 2024.

It is further anticipated that the application will be reviewed by the County Commissioners during their regular meeting of October 9, 2024.

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.

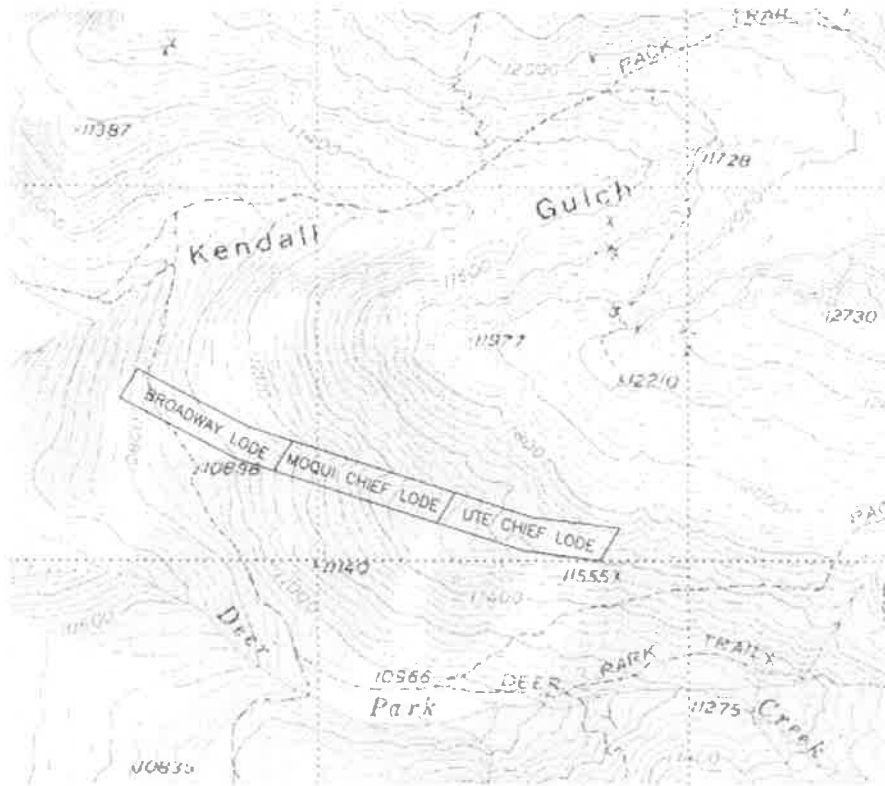
Sincerely,

A handwritten signature in blue ink, which appears to read "William A. Tookey".

William A. Tookey  
Land Use Administrator

**SUPPLEMENTAL INFORMATION**  
**Sketch Plan**

**Proposed Breed Cabin**  
**Ute Chief Lode USMS No. 18463**  
**County Road 33A, Deer Park**  
**San Juan County, Colorado**



**Applicant:**

David Breed  
PO Box 239  
Silverton, Colorado 81433  
(603) 738-7161

**Prepared By:**

Engineer Mountain, Inc.  
962 Reese Street  
PO Box 526  
Silverton, Colorado 81433  
(970) 387-0500  
Job No. 2007-113

**Submitted:**

September 9, 2024





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

September 9, 2024

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

EMI Job No. 2007-113

Subject: Supplemental Information, Proposed Breed Cabin, Ute Chief Lode USMS No. 18463, County Road 33A, Deer Park, San Juan County, Colorado.

Dear Willy and Commissioners:

This submittal has been prepared to provide supplemental information regarding the Proposed Breed Cabin on the Ute Chief Lode, owned by David Breed of Silverton. The property is located in Deer Park.

The supplemental information included in this packet include a letter from the septic system design engineer and updated conceptual building plans.

The Applicant would like to add this supplemental information to the previously submitted documents for Planning Commission review at their meeting on September 17, 2024.

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

Sincerely,

Matthew Green, EIT  
Engineer Mountain, Inc.

Lisa M. Adair, PE  
Engineer Mountain, Inc.

Cc: 15 copies of supplemental information to Willy Tookey for Staff/Commissioners, David Breed, Bevan Harris, Dudley Ashwood

**SUPPLEMENTAL INFORMATION**  
**Sketch Plan**

**Proposed Breed Cabin**  
**Ute Chief Lode USMS No. 18463**  
**County Road 33A, Deer Park**  
**San Juan County, Colorado**  
**Engineer Mountain, Inc.**

**TABLE OF CONTENTS**

1. Letter from Septic System Design Engineer.
2. Updated Building Plans.
3. Updated Photo Rendering of Proposed Cabin Front

Front Cover Photo Credit: Scan of USGS Topo Quad Map

**dudley ashwood, p.e.**

c i v i l e n g i n e e r

September 6, 2024

**NEW ON-SITE WASTEWATER TREATMENT SYSTEM**

PROPERTY OF:        DAVID BREED  
                             UTE CHIEF LODGE #18463  
                             COUNTY ROAD 33A  
                             SILVERTON, CO

A new 2 bedroom cabin is planned on this property, to be served with a new on-site wastewater treatment system (OWTS). The new cabin site is planned in the west-central portion of the property. On 8/30/2024 I inspected the property in the vicinity of the planned cabin site and directed and observed two (2) soil deep test pits in an area found suitable for a Soil Treatment Area (STA), located to the west of the planned cabin site.

I find that suitable site and soil conditions exist, in an area to the west of the planned cabin site, to accommodate an OWTS, complying to current local and state requirements.

I will prepare a report and design for an OWTS within two weeks, and submit same to La Plata County Public Health (LPCPH) for their review and approval, who manages this task on behalf of San Juan County Public Health (SJCPH). The current LPCPH review and approval time is two weeks.



STAMP

SUBMITTAL:  
NOT FOR  
CONSTRUCTION



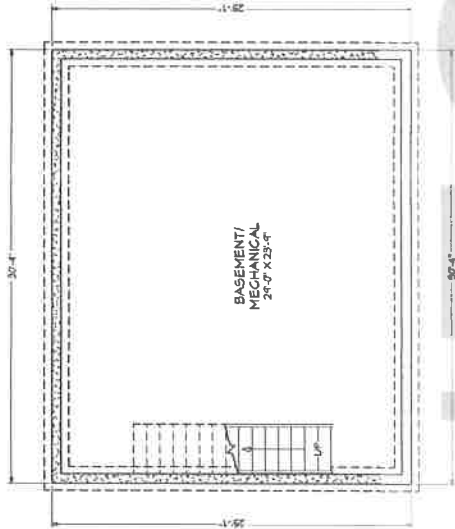
DAVID BREED  
RESIDENTIAL DESIGN  
FIRST FLOOR PLAN

2112011.P057  
PROJECT NO:

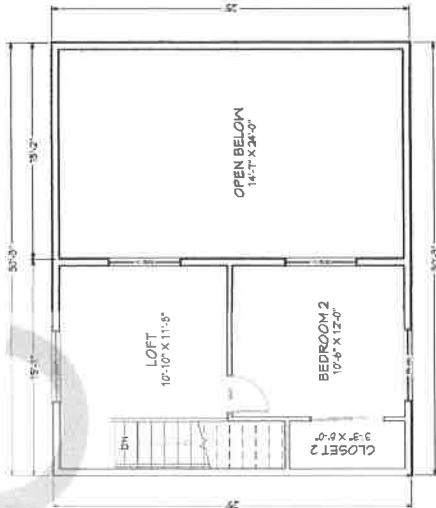
A1.1

SHEET NO:

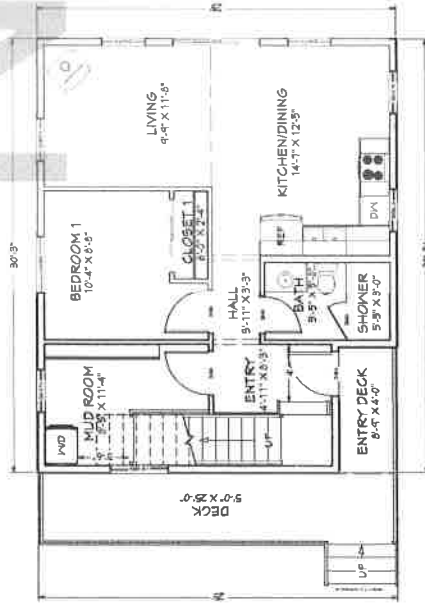
ROOM NAME	AREA INTERIOR (SQ. FT.)
BATH	30
BEDROOM 1	100
CLOSET 1	14
ENTRY	33
HALL	14
KITCHEN/DINING	160
LIVING	114
MUD ROOM	75
SHOWER	16
ENTRY DECK	95
BEDROOM 2	125
CLOSET 2	26
LOFT	139
STAIRWELL	39
TOTALS:	694



BASEMENT PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

STAMP

SUBMITTAL:  
NOT FOR  
CONSTRUCTION

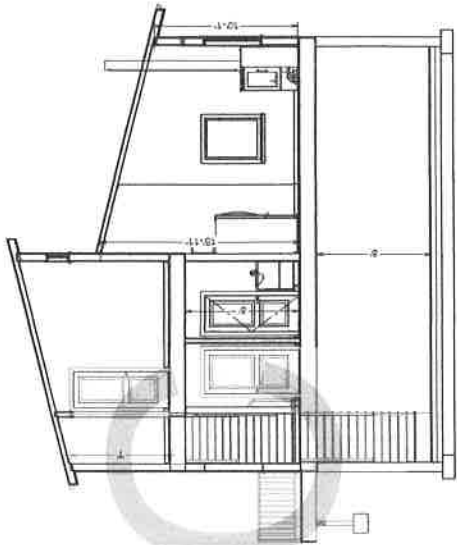


DAVID BREED  
RESIDENTIAL DESIGN  
ELEVATION VIEWS

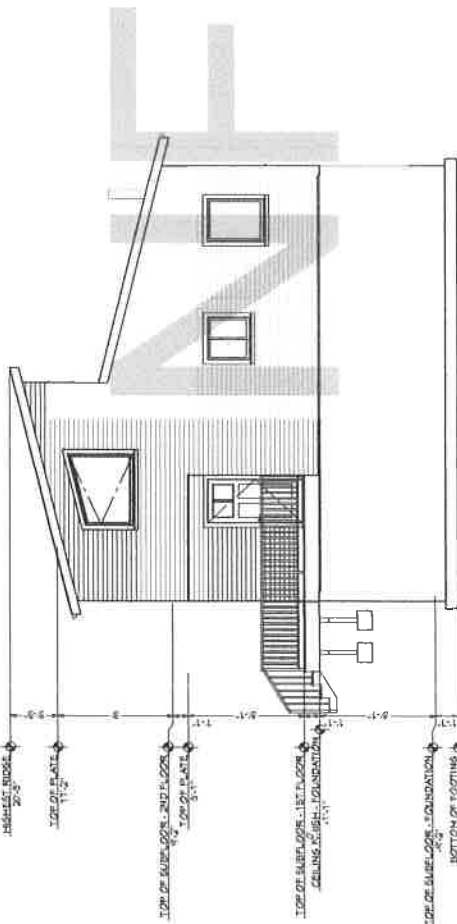
2112-017.P057  
PROJECT NO:

A2.0

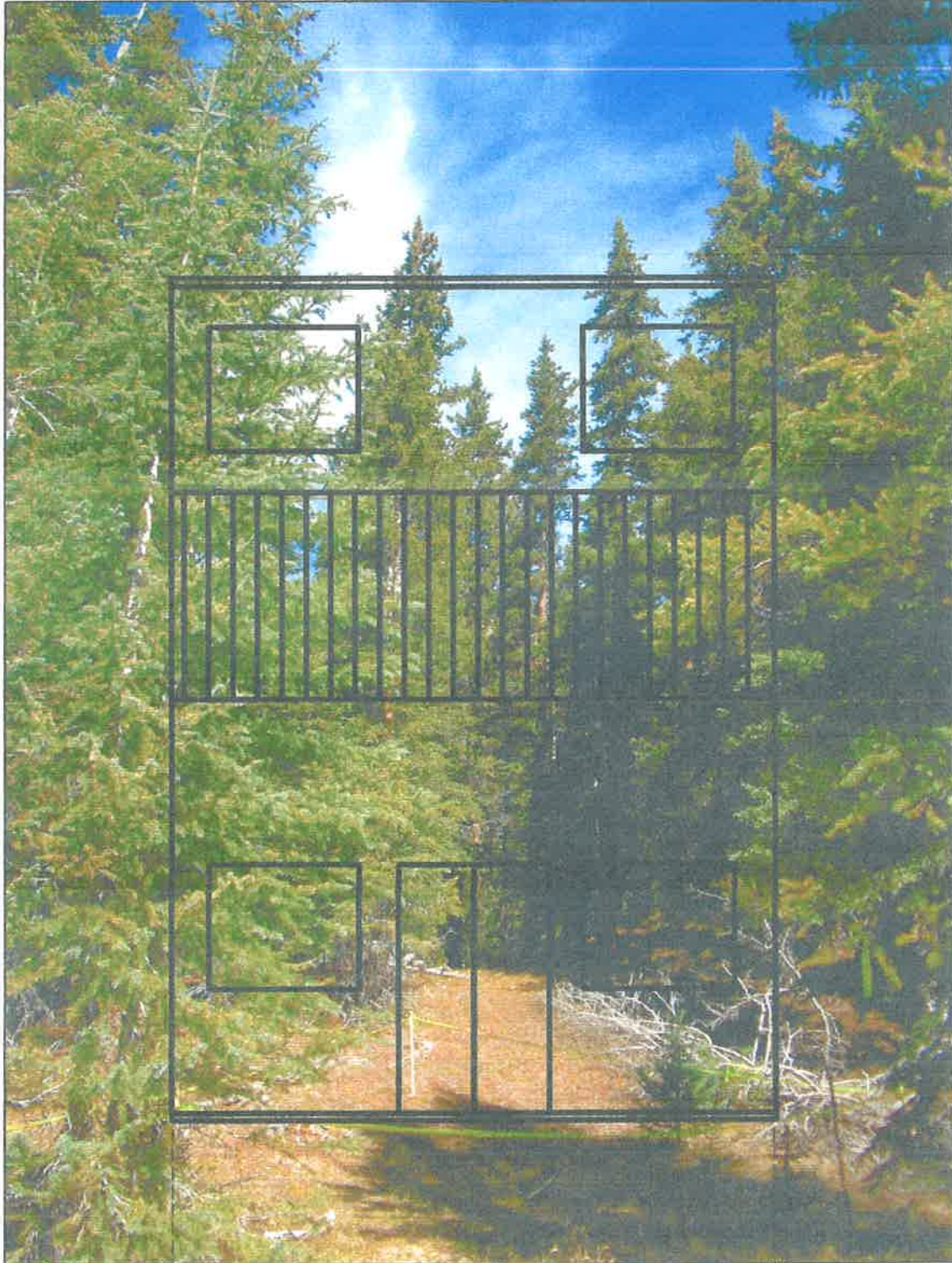
SHEET NO:



SECTION VIEW



ELEVATION VIEW



DATE: NOVEMBER 13, 2013

DRAWN BY: LMA

LAYOUT/LMAN: CABIN/PC / N/A

DWG: 7-113/Scenic Photo w Cabin.dwg

LAST REVISED: SEPTEMBER 9, 2024

CONCEPTUAL GRAPHIC DEPICTION OF FRONT OF CABIN

PROPOSED BREED CABIN, UTE CHIEF LODGE

COUNTY ROAD 33A, DEER PARK

SAN JUAN COUNTY, COLORADO



ENGINEER MOUNTAIN INC.

formerly MACKIE Engineering

P.O. BOX 526, SILVERTON, COLORADO 81433

(970) 7 387-0500

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

engineermountaininc@gmail.com



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

August 28, 2024

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

EMI Job No. 2007-113

Subject: Application for Improvement Permit, Proposed Breed Cabin, Ute Chief Lode USMS No. 18463, County Road 33A, Deer Park, San Juan County, Colorado.

Dear Willy and Commissioners:

This submittal has been prepared to describe the proposed improvements on the Ute Chief Lode, owned by David Breed of Silverton. The property is located in Deer Park,


The attached documents have been prepared as Sketch Plan for a San Juan County Improvement Permit Application. The Applicant requests review of this project by the Planning Commission at their meeting on September 17, 2024.


The proposed improvements consist of a residential cabin with loft, shed, and associated utility improvements. The project was approved previously for the former landowner in 2014, but the proposed cabin was never constructed. The driveway that was previously permitted for construction was constructed in 2015.

The proposed cabin site is located above 11,000 feet elevation, and the project site has dense trees. The Applicant is proposing a maximum of 1,000 square feet of cabin floor area. We believe that the proposed cabin will not be visible from any County Roads or Highway 550, because the Applicant has selected the least visible proposed cabin location.

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

Sincerely,

  
Matthew Green, EIT  
Engineer Mountain, Inc.

  
Lisa M. Adair, PE  
Engineer Mountain, Inc.

Attachments for Willy Tookey, with 15 Binders for Staff/Commissioners:

Receipt from County Treasurer for \$840 Improvement Permit Application Fee  
San Juan County Application for Improvement Permit  
San Juan County Driveway and Road Access Permit  
San Juan County Relationship to County Road and State Highway System  
Envelopes for Adjacent Land Owners

Cc: David Breed, Bevan Harris, Dudley Ashwood

P.O. Box 526 - 962 Reese Street - Silverton, Colorado 81433 - phone (970) 387-0500

**APPLICATION FOR IMPROVEMENT PERMIT  
Sketch Plan**

**Proposed Breed Cabin  
Ute Chief Lode USMS No. 18463  
County Road 33A, Deer Park  
San Juan County, Colorado  
Engineer Mountain, Inc.**

**TABLE OF CONTENTS**

1. San Juan County Application for Improvement Permit
2. Warranty Deed
3. Assessor Property Card
4. Adjacent Land Owner Map
5. List of Adjacent Land Owners
6. Survey Plat
7. Project Plans
  - Sheet 1 of 5: Vicinity Map
  - Sheet 2 of 5: Sketch Plan
  - Sheet 3 of 5: Sketch Plan with Topography
  - Sheet 4 of 5: Sketch Plan + County Avalanche Map
  - Sheet 5 of 5: Sketch Plan + County Geohazards Map
8. Project Narrative
9. Application for Surface Water Rights
10. San Juan County Public Health Department Septic System Permit Application
11. Letter Regarding Proposed Septic System
12. San Juan County Driveway and Road Access Permit
13. San Juan County Relationship to County Road and State Highway Systems Form
14. Approved Land Use Permit
15. Driveway Plans
  - Sheet 1 of 3: Driveway Vicinity Map
  - Sheet 2 of 3: Driveway Site Plan
  - Sheet 3 of 3: Driveway Site Plan with Topography
16. Access Easement Documents
17. 2014 Staff Report with Previous Conditions of Approval
18. Scenic Quality Report

Front Cover Photo Credit: Scan of USGS Topo Quad Map



Application for Improvement Permit

		APPROVAL CHECKLIST		Initial	Date
Applicant	Name	DAVID BREED			
	Address	P.O. BOX 2339			
Mortgage	Name	SILVERTON CO (603) 338-7161			
	Address	SAME			
Lender	Name	TBD			
	Address				
Legal Description of Property:		UTE CHIEF LODGE USMS No. 18463			
Township 41 N, Range 7 W, Section 28					
Nature of Improvement Planned:		PROPOSED CABIN, SHED, AND UTILITY IMPROVEMENTS.			
Land Use Zone:		MOUNTAIN ZONE			
Applicant's Signature:		D. BREED			
Date Application Requested					
Date Submitted for Permit					
Date Permit Issued					
Date Permit Denied					
Reason for Denial					
Receipt		FEE PAYMENT			
Application					
Building Permit					
Subdivision P.L.D.					
Hearing Notice					
		Land Use Administrator			
		Ownership of Surface			
		Ownership of Minerals			
		Vicinity Map			
		Certified Survey Plat			
		Monumentation			
		Basic Plan Map			
		Plans and Drawings			
		Road System Relationship			
		Zoning Compatibility			
		State Mining Permit			
		Owner Notification			
		Avalanche Hazard			
		Geologic Hazard			
		Floodplain Hazard			
		Wildfire Hazard			
		Mineral Resource Impact			
		Wildlife Impact			
		Historic Site Impact			
		Watershed Governance			
		County Building Inspector			
		Building Permit			
		State Electrical Inspector			
		Electrical Permit			
		San Juan Basin Health Unit			
		Sewage Disposal: Test			
		Design			
		Central Sewage Collection			
		State Division of Water Resources			
		Adequate Water Source			
		Well Permit			
		Central Water Distribution			
		U.S. Forest Service/BLM			
		Access Approval			
		State Division of Highways			
		Driveway Permit			
		Subdivision Variance			
		Subdivision Approval			
		PLD Approval			

Recording requested by:

and when recorded, please return this deed  
and tax statements to:

David Breed

Above reserved for official use only

**GENERAL WARRANTY DEED**

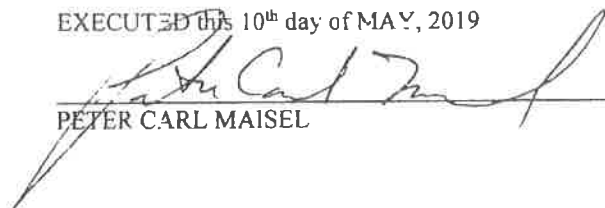
THE GRANTOR: Peter Carl Maisel, a resident of Silverton, Colorado located in San Juan County Colorado FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, hereby CONVEYS and WARRANTS to David G. Breed ("Grantee"), of Silverton, County of San Juan, State of Colorado all right, title, interest and claim to the following real estate in San Juan County, Colorado with the following legal description:

UTE CHIEF- 18463 MINING CLAIM

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever IN FEE SIMPLE; so that neither Grantor nor Grantor's heirs, administrators, executors, successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

Grantor further WARRANTS and agrees to FOREVER DEFEND all and singular the said property unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

EXECUTED this 10<sup>th</sup> day of MAY, 2019

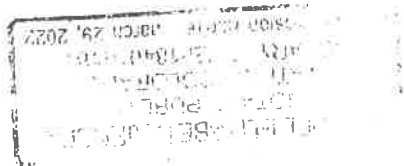
  
\_\_\_\_\_  
PETER CARL MAISEL

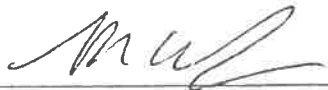
State of COLORADO )  
County of San Juan ) ss

The foregoing instrument was acknowledged before me this 10th day of May 2019, by Peter Carl Maisel. If acknowledgment is taken by a notary public, the date of expiration of his commission shall also appear on the certificate.

Witness my hand and official seal.

(Seal)



  
\_\_\_\_\_  
Signature of Notary Public  
Rachel E. Jensen  
\_\_\_\_\_  
Printed Name of Notary

My commission expires on 3/29, 2022



San Juan County Colorado Property and Maps

Account #N2166  
SILVERTON, CO 81433

Total Value  
\$83,947

OVERVIEW

KEY INFORMATION

Account #	N2166		Parcel #	48290000010046	
Name(s)	BREED DAVID G				
Mailing Address	PO BOX 239 SILVERTON CO 81433-0239				
Situs Address	SILVERTON, CO 81433				
Total Acres	10.33		Total Sq Ft	450,018	
Section	28	Township	41	Range	7
Tax District	101	Economic Area	-	Block	-
Plat Reference	-				
Legal Description	UTE CHIEF - 18463				

VALUE INFORMATION

	Actual	Assessed
Land	\$83,947	\$23,421
Improvement	-	-
Total	\$83,947	\$23,421

MINING CLAIMS

CLAIM NAME		MINERAL SURVEY #	
+ UTE CHIEF		18463	
Acres	10.52	Road	Deer Park Rd
District	ANIMAS MINING DISTRICT	Patent	52102
Mapping Status	Updated using BLM data		
Waste	-	Waterfront	-





SOILS RETAINING WALLS  
SEPTICS FOUNDATIONS  
GRADING AND DRAINAGE  
CIVIL SITE DEVELOPMENT

**ENGINEER MOUNTAIN INC.**  
formerly MCKEE Engineering  
P.O. BOX 526, SILVERTON, CO 81433  
(970) 387-0500 engineermountaininc@gmail.com

ADJACENT LAND OWNER MAP  
PROPOSED BREED CABIN  
UTE CHIEF LODGE, CR 33A, DEER PARK ROAD  
NEAR SILVERTON, SAN JUAN COUNTY, CO

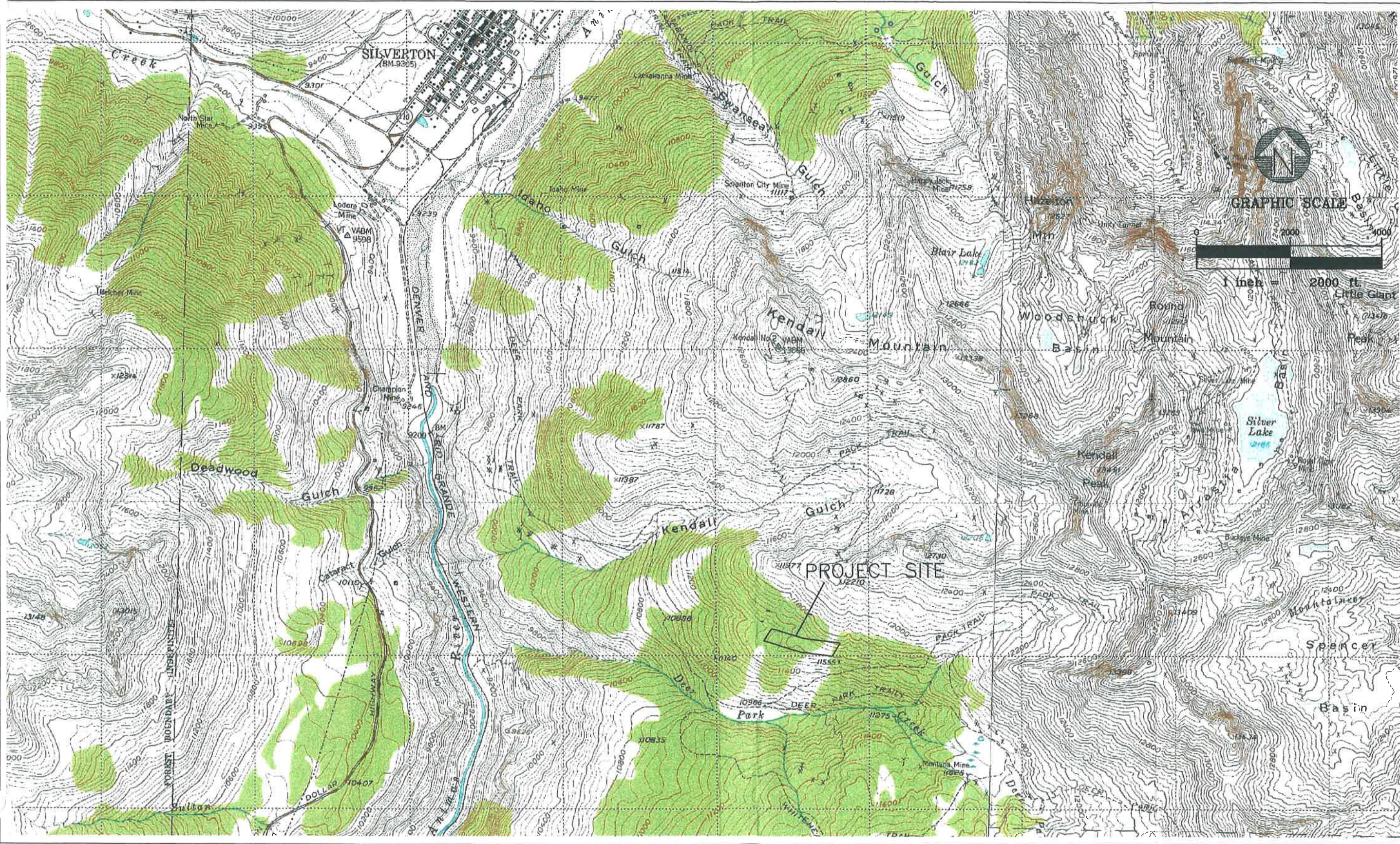
DATE: APRIL 30, 2007  
DRAWN BY: LJM/WH  
LAYOUT/LMAN ALD Haps N/A  
DWG: 2007-113/Ute Chief ALD Mapping  
LAST REVISED: AUGUST 23, 2024

SHEET  
1  
OF 1

**LIST OF ADJACENT LAND OWNERS**  
**Sketch Plan**  
**Proposed Breed Cabin**  
**Ute Chief Lode USMS No. 18463**  
**San Juan County, Colorado**  
**Engineer Mountain, Inc.**  
**Prepared August 23, 2024**

<u>Adjacent Land Owner</u>	<u>Property</u>
Bruce Conrad & Sharon Lantz PO Box 591 Silverton, CO 81433	Moqui Chief Lode
Michele & Garrick Dooley Trust PO Box 1049 Flora Vista, NM 87415	Broadway Lode
Jon Massey 150 W Emerald Drive Whitefish, MT 59937	Moses Lode
Dale Hicks PO Box 1304 Clarksdale, AZ 86324	Independence Lode
Jean & Tom Merson Revocable Trust 12004 La Charles Avenue NE Albuquerque, NM 87111	Iron Mask Lode Navajo Chief Lode
DCJ Revocable Trust c/o Cindi & Dale Jaramillo 511 Suzanne Lane Ridgway, CO 81432	Gold Fish Lode Gold Fish Extension Lode



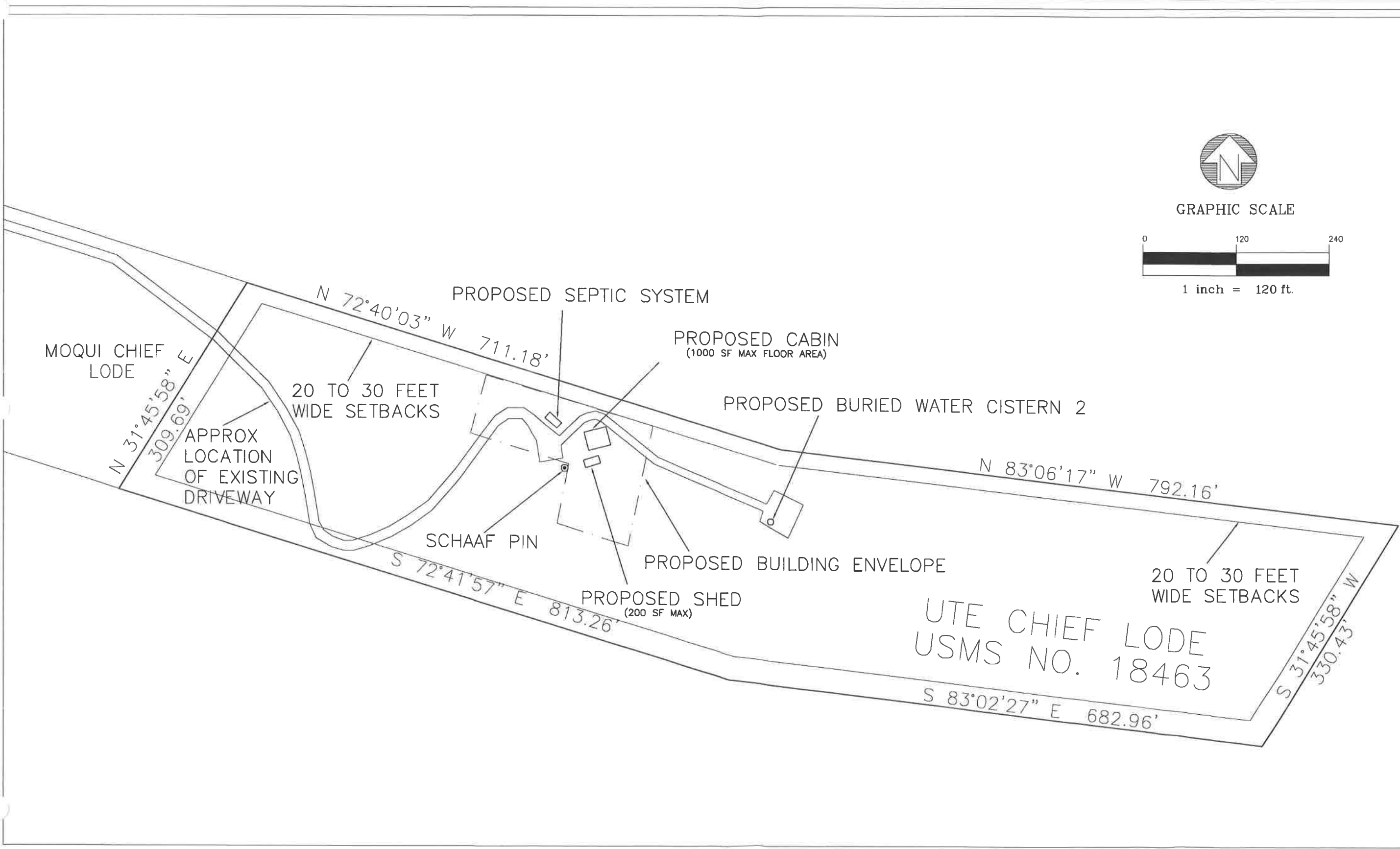


ENGINEER MOUNTAIN INC.  
 formerly MACKIE Engineering  
 P.O. BOX 526, SILVERTON, CO 81433  
 (970) 387-0500    engineermountaininc@gmail.com

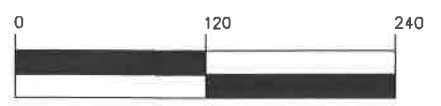
VICINITY MAP  
 PROPOSED BREED CABIN  
 UTE CHIEF LODE, COUNTY ROAD 33A  
 SAN JUAN COUNTY, COLORADO

DATE: APRIL 30, 2007  
 DRAWN BY: MM/LMA  
 LAST REVISED: AUGUST 26, 2024  
 DWG: 7-113/EM Ute Chief Imp Print Design.dwg  
 LAYOUT/LMA: VICINITY/VICINITY

SHEET  
 1  
 OF 5



GRAPHIC SCALE



1 inch = 120 ft.

ENGINEER MOUNTAIN INC.  
formerly MAGKIE Engineering  
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engineermountaininc@gmail.com

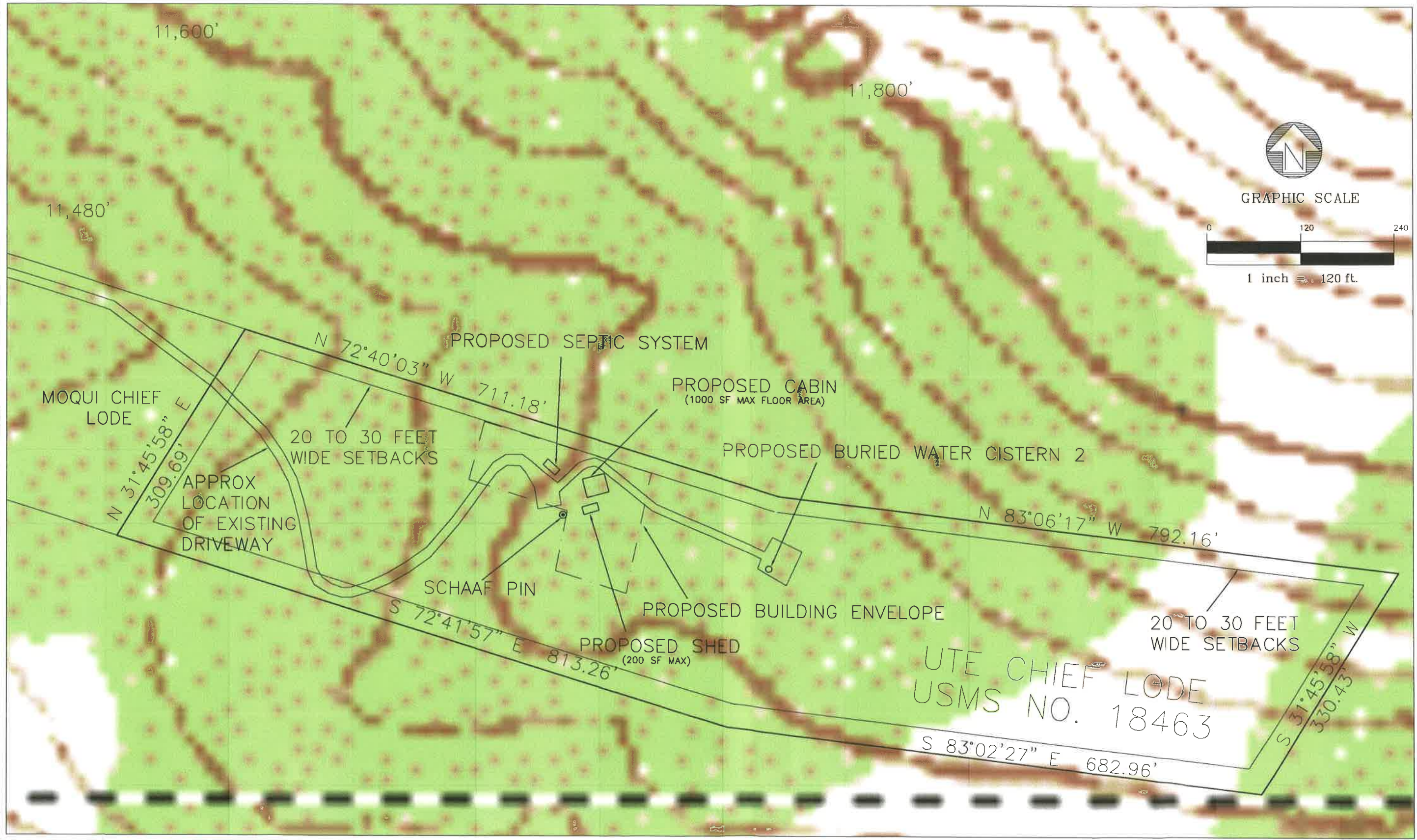
\*SOILS \*RETAINING WALLS  
\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
\*CIVIL SITE DEVELOPMENT

SITE PLAN  
PROPOSED BREED CABIN  
UTE CHIEF LODE, COUNTY ROAD 33A  
SAN JUAN COUNTY, COLORADO

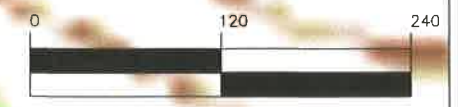
DATE: APRIL 30, 2007  
DRAWN BY: MMW/LMA  
LAST REVISED: AUGUST 30, 2024  
DWG: 7-113/PM Ute Chief Imp Print Designing  
LAYOUT/LMA: P-F SITE / P-F SITE

SHEET  
2  
OF 5





GRAPHIC SCALE



1 inch = 120 ft.

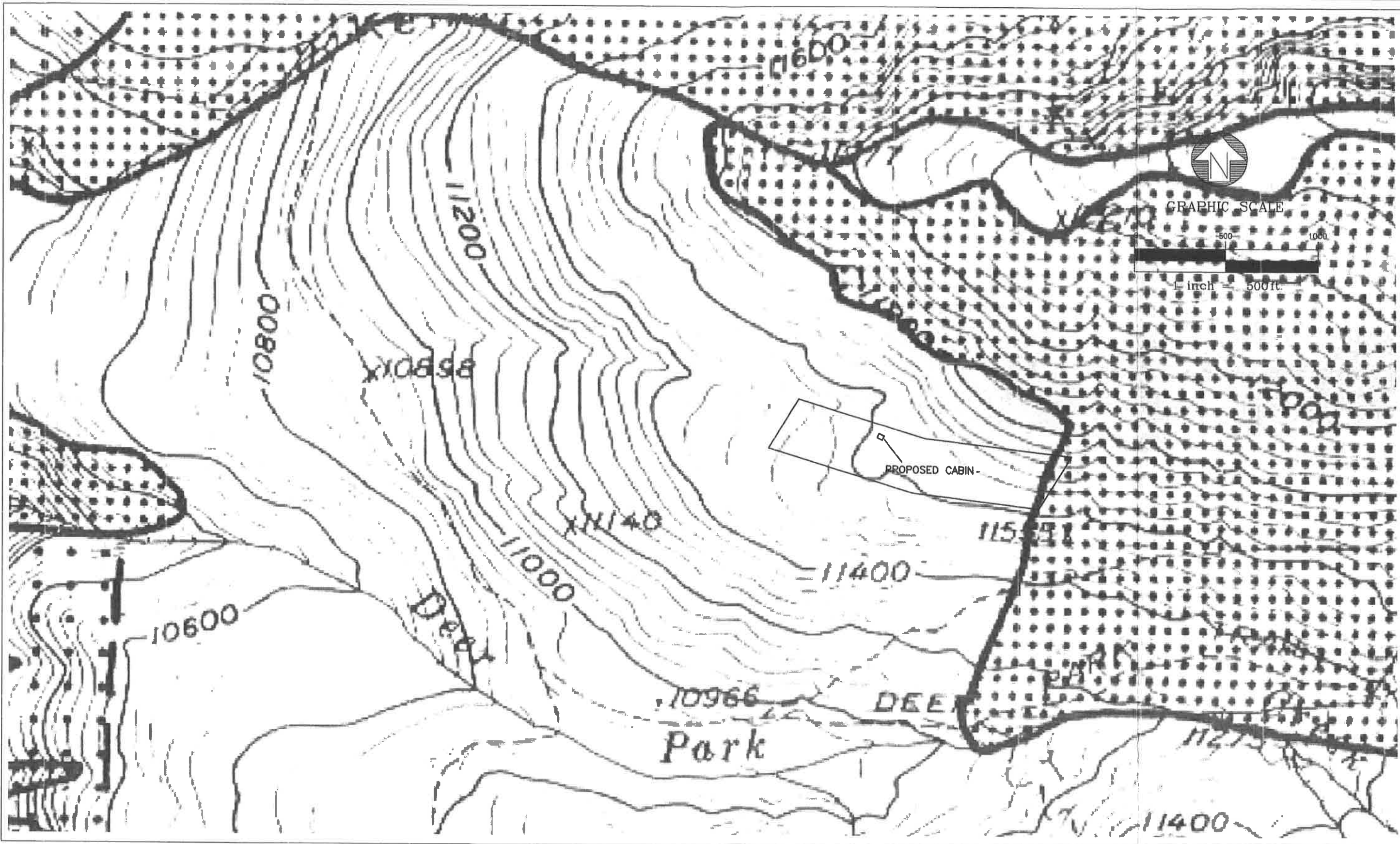
ENGINEER MOUNTAIN INC.  
formerly MACKIE Engineering  
P.O. BOX 526, SILVERTON, CO 81433  
(970) 387-0500  
engineermountaininc@gmail.com

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

SITE PLAN WITH TOPOGRAPHY  
PROPOSED BREED CABIN  
UTE CHIEF LODE, COUNTY ROAD 33A  
SAN JUAN COUNTY, COLORADO

DATE: APRIL 30, 2007  
DRAWN BY: MMM/LMA  
LAST REVISED: AUGUST 30, 2024  
DWG: 7-113/Eml Ute Chief Imp Print Dwg.dwg  
LAYOUT/LMA: PPSIEWTOPO/PPSIETOPO

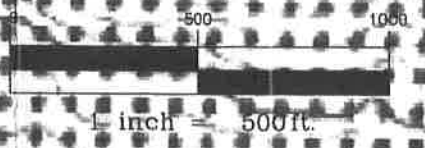
SHEET  
3  
OF 5



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

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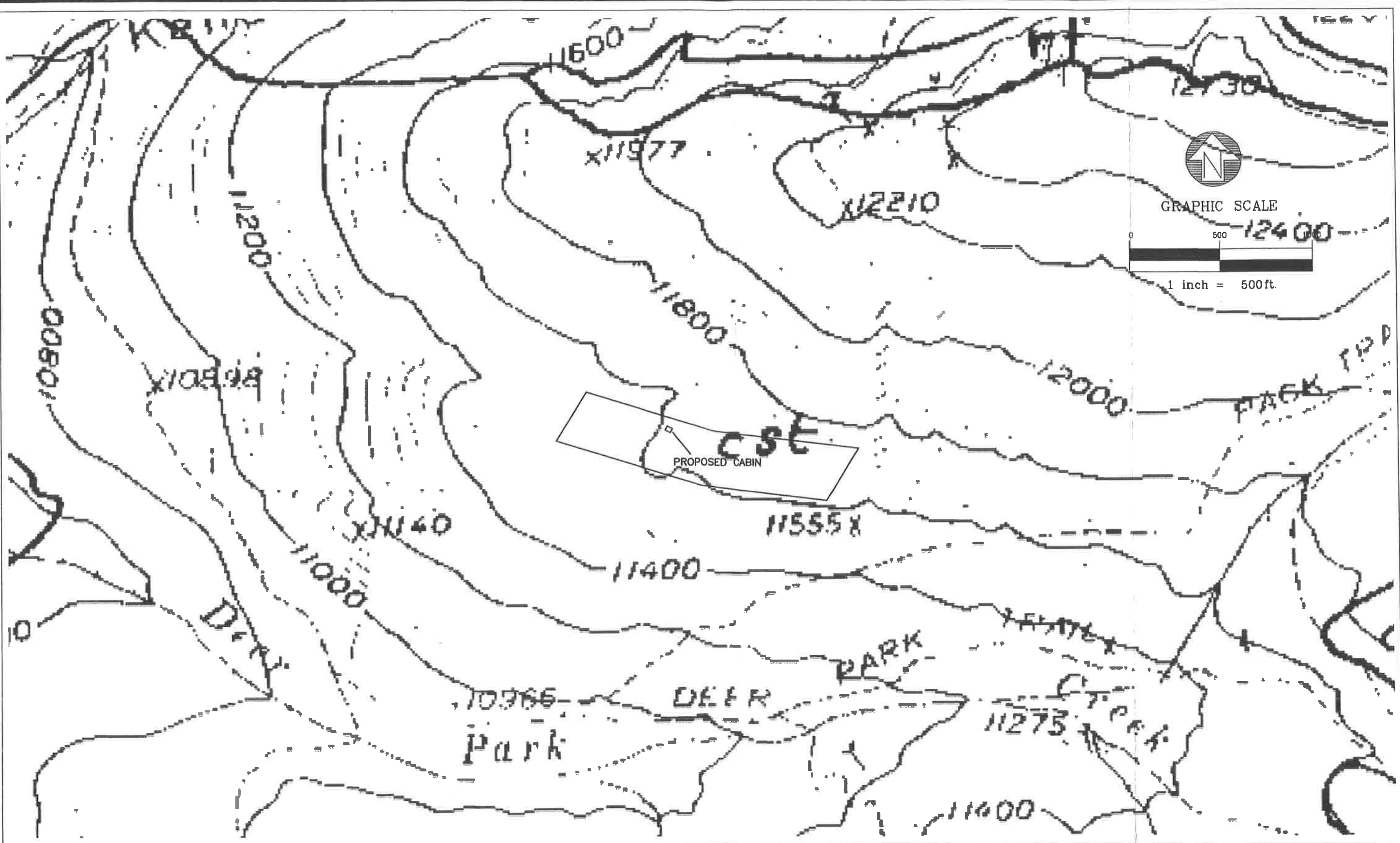
GRAPHIC SCALE



SITE PLAN + COUNTY AVALANCHE MAP  
 PROPOSED BREED CABIN  
 UTE CHIEF LODE, COUNTY ROAD 33A  
 SAN JUAN COUNTY, COLORADO

DATE: APRIL 30, 2007  
 DRAWN BY: MMW/LMA  
 LAST REVISED: AUGUST 26, 2024  
 DWG: 7-113/BL Ute Chief Imp Print Dwg.dwg  
 LAYOUT/LMA: AVW/AVW

SHEET  
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 OF 5



ENGINEER MOUNTAIN INC.  
 formerly MACKIE Engineering  
 P.O. BOX 526, SILVERTON, CO 81433  
 (970) 387-0500  
 engineermountaininc@gmail.com

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

SITE PLAN + COUNTY GEOHAZARDS MAP  
 PROPOSED BREED CABIN  
 UTE CHIEF LODGE, COUNTY ROAD 33A  
 SAN JUAN COUNTY, COLORADO

DATE: APRIL 30, 2007  
 DRAWN BY: MMW/JMA  
 LAST REVISED: AUGUST 26, 2024  
 DWG: 7-113/EM Use Chief Imp Print Dwg.dwg  
 LAYOUT/JMAN: GEOHAZ/GEHAZ

SHEET  
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 OF 5

## PROJECT NARRATIVE

### Ute Chief Lode

Engineer Mountain, Inc.

- Applicant Name:** David Breed of Silverton.
- Project Location:** Ute Chief Lode USMS No. 18463, Parcel No. 48290000010046, County Road 33A, Deer Park, San Juan County, Colorado, Township 41 North, Range 7 West, Section 28, N.M.P.M.
- Proposed Development:** Proposed residential cabin, shed, and utility improvements.
- Zoning:** Mountain Zoning District.
- Water Service:** The Applicant plans to haul water, to be placed in a cistern. The proposed water cistern will be near the cabin or in the shed so it is accessible to a pickup truck. The water for the cistern will be obtained by the Applicant from his house in Silverton, which has metered water utility billing. The Applicant is also applying for surface water rights to draw water from a nearby stream, which would fill a secondary, uphill cistern.
- Sewer Service:** A septic system is proposed for the cabin. The septic system will be "engineered" by Colorado Licensed Professional Engineer Dudley Ashwood according to the San Juan County Public Health Department regulations.
- Power:** The Applicant plans to utilize the following sources for power: solar with battery storage, and a generator kept within the shed for an emergency backup power source. Solar battery power and lights are proposed. The plans for the propane include portable tank(s), to be stored outside of the cabin and away from any combustibles.
- Heating:** Heating for the cabin is planned to utilize a Buderus brand propane "boiler" (with wood backup) for glycol in-floor heating pipes, and one wood stove of a model approved by the EPA per San Juan County regulations and shall be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire.
- Lighting:** For safety, a minimal amount of exterior lighting may be installed at the cabin. The Applicant may install automatic on/off motion detection solar exterior light(s). Exterior lighting will be in conformance with the requirements of San Juan County.

## PROJECT NARRATIVE

### Ute Chief Lode

(Continued)

Engineer Mountain, Inc.

- Solid Waste Management:** The Applicant will be responsible for bi-weekly trash disposal. According to County regulations, property owners are responsible for solid waste transportation and solid waste disposal fees. On-site trash will be contained within a structure at all times until removal to the Transfer Station.
- Landscaping:** Landscaping is to consist of a balance between clearing some of the dense trees located within the building envelope for fire safety, and leaving the trees as-is for screening. Raking and removal of combustible ground cover will be needed, as recommended by the Colorado State Forest Service Firewise Practices, to develop adequate defensible space. Revegetation and screening will be provided by the Applicant in accordance with the requirements of San Juan County.
- Access:** County Road 33A (Deer Park Road) provides access to the project site. A San Juan County Land Use Permit was previously approved prior to the construction of the now-existing driveway for this project. Prior to the construction of the existing driveway, the previous landowner obtained access easements from the adjacent land owners. The approved Land Use Permit, access easements, and additional driveway information are included in this submittal for your review. No driveway improvements are proposed unless required by the County
- Foundation:** The foundation type is unknown at this time. A proposed basement under the proposed cabin counts into the cabin square footage if any part of it is four feet above the ground surface. The foundation will likely consist of concrete piers using sonotubes
- Surveying:** The survey plat for the Ute Chief Lode was prepared by Professional Licensed Surveyor (PLS) Earnie Schaaf of E. Schaaf and Associates, Inc. The Surveyor placed a survey pin at the building site, for reference and measuring. A signed and stamped copy of the survey plat is included within this application for your review.

## PROJECT NARRATIVE

### Ute Chief Lode

(Continued)

Engineer Mountain, Inc.

- Subsurface Conditions:** Subsurface conditions in the area generally consist of topsoil overlying sand-and-gravel soil. The sand-and-gravel soil generally includes cobbles and boulders. Underlying the surface soil is bedrock. The USGS geology map for the "Silverton caldera" area indicates that there are several bedrock types present near the project site, including Tse and Tsj (volcanics), Qtg (talus), MDu (limestone), ci (quartzite), and others. Based on the location of the building site, and our review of the geology maps, it appears that the bedrock at the building site is of the formation noted as Tse. The bedrock formation Tse is described by the USGS as the following:  
*Tse – Tertiary Sapinero Mesa Tuff Eureka Member. Oligocene Eureka Member is a partly welded light-gray to densely-welded red-brown rhyolitic to dacitic ash-flow tuff containing 5 percent phenocrysts of plagioclase, sanodine, and biotite. Unit is the intracaldera member of the Sapinero Mesa Tuff. Remnant magnetic polarity: reverse.*
- County Geohazards Map:** The Sketch Plan for this project has been overlaid onto the County Geohazards Map. The plan is included within this booklet for your review. According to the County Geohazards map, the proposed cabin is in an area of "cst," which represents a sub-category of "Colluvial Slope." A colluvial slope includes gravity-deposited colluvium soils (as opposed to water-deposited alluvium soils). According to the County Geohazards Map Key, "cst" is defined as "*Areas of thick colluvial or glacial accumulations, generally thicker than six feet. Potential mass failure areas.*"
- County Avalanche Map:** The Sketch Plan for this project has been overlaid onto the County Avalanche Hazard Map. The plan is included within this booklet for your review. According to the County Avalanche Hazard Map:  
-The proposed cabin and proposed building envelope do not appear to be located in a potential avalanche hazard area. This assessment agrees with site characteristics, which include a relatively flat building site, located in dense evergreen trees.  
-There is most likely an avalanche area beyond the Ute Chief Lode property boundaries, on the adjacent Navajo Chief Lode.  
-The driveway, from County Road 33A to the project site, does not appear to be located in an area with avalanche potential.  
Please refer to the overlay map we have included within this application for additional information.

## PROJECT NARRATIVE

### Ute Chief Lode

(Continued)

Engineer Mountain, Inc.

#### Structures:

The building site is above 11,000 feet elevation, and therefore the County's cabin square footage limitations apply to this project. The maximum square footage allowed above 11,000 feet elevation is 1000 square feet of interior living space (defined in the County Regulations as "Floor Area").

Conceptually, the Applicant currently plans to construct a one-story residential cabin with a loft. The conceptual plans show exterior dimensions of the cabin as 25 feet by 40 feet (1000 square feet). With that first floor footprint, the maximum interior roof height would need to be 13 feet 11 inches.

An uncovered deck area is proposed, with dimensions of 40 feet by 5 feet (200 square feet) with maximum height of 29 inches above the grade.

No basement is proposed, but the conceptual plans are currently being developed.

A one-story shed structure is proposed, with an approximate square footage of 10 feet by 20 feet (200 square feet).

#### Cabin Style:

The style of the proposed cabin will be similar to local log cabins - squared logs with natural colored stain/treatment, with a non-reflective brown propanel roof, and minimally-reflective window glazing. Because of the cabin location selected by the Applicant, we do not expect the cabin to be visible from any County Roads or Highway 550. Draft building plans for the proposed cabin are included in this submittal for your review.

## PROJECT NARRATIVE

### Ute Chief Lode

(Continued)

Engineer Mountain, Inc.

#### Floor Area:

The following are excerpts from the Definitions section of the San Juan County Zoning and Land Use Regulations, pertaining to the measurements of the maximum 1,000 square feet of cabin "Floor Area."

**FLOOR AREA:** Floor area means the sum of the horizontal areas of all floors in principal and accessory buildings on a site, as measured from the interior faces of the walls, and enclosed porches as measured by the interior limits thereof. Interior spaces with the potential to contain additional horizontal floors shall be measured from the finish floor elevation to the ceiling above, or if there is no floor above, to the underside of the roof assembly. Any part of a building whose interior height is fourteen (14) feet or less shall be counted once (x1) for floor area purposes. Any part of a building whose interior height is greater than fourteen (14) feet and less than or equal to twenty-three (23) feet shall be counted twice (x2) for floor area ratio purposes, and any part of such building that has an interior height greater than twenty-three (23) feet shall be counted three (3) times. The following elements are excluded from the Floor Area calculation:

a. Unroofed porches, decks, and terraces;

1. If such improvement is equal to or less than thirty (30) inches above grade and is less than 250 square feet;

2. If such improvement is more than thirty (30) inches above grade or greater than 250 square feet, the area is calculated as fifty percent (50%) of the actual floor area.

b. A single detached accessory building, no greater than 200 square feet

**BASEMENT:** That portion of a building having its floor below ground level and the exterior walls on all sides being four (4) feet or less above finished or natural grade, whichever is more restrictive. For residential buildings at or above 11,000 feet, basements are exempt from the Floor Area calculation.



District Court, Water Division 7, San Juan County, Colorado  
 Court Address: 1060 East 2nd Ave. #106  
 Durango, CO, 81301

CONCERNING THE APPLICATION FOR WATER RIGHTS OF  
 Applicant: David Breed

In the Animas River or its Tributaries

In SAN JUAN COUNTY

▲ COURT USE ONLY ▲

Attorney or Party Without Attorney (Name and Address):  
 David Breed  
 PO Box 239  
 Silverton, CO 81433  
 Phone Number:(603) 738-7161 E-mail: dgbreed@me.com  
 FAX Number: N/A Atty. Reg. #: N/A

Case Number:  
 Division: Courtroom:

**APPLICATION FOR  CONDITIONAL  ABSOLUTE WATER RIGHTS (SURFACE)**

**Instructions:** All lines and boxes should be filled in or shown as not applicable (N/A) with the exception of section 3.B where only 3.B.1 or 3.B.2 should be completed. Attach additional sheets as needed. Attach all maps as required. It is the applicant's responsibility to provide the location for each structure in this application. For structures that are already decreed, use, verbatim, the location from the most recent decree that adjudicated the location. For new structures, provide a PLSS location (quarter-quarter, section, township and range) and a single point location description using either UTM coordinates (for example from a GPS device) (preferred) or measured distances from known section lines.

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants and the space provided is not adequate, provide additional sheets as needed):

Name of Applicant	Mailing Address	Email address	Telephone Number
David Breed	PO Box 239, Silverton, CO 81433	dgbreed@me.com	(603) 738-7161

2. Name of structure: Breed Diversion ditch spring other seasonal creek

3. Location of Structure

A. Public Land Survey System (PLSS) (Required):

Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source:

<b>Legal Description:</b>	<u>SW</u> 1/4	<u>SE</u> 1/4	Section 28	Township <u>41</u>	Range <u>7</u>	Principal Meridian NMPM
County SAN JUAN	of the			N or S <input checked="" type="checkbox"/> <input type="checkbox"/>	E or W <input type="checkbox"/> <input checked="" type="checkbox"/>	

B. Point of diversion (Required) (Complete either 1 or 2 below)

1. Location information in UTM format (Preferred):

UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); scaled

from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the structure.

<b>UTM coordinates</b>		
Easting <u>TBD</u> Northing <u>TBD</u>		
<input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13		
Street Address: Ute Chief Lode USMS No. 18463, 3300C CR 33A, Deer Park, San Juan County, CO		
Subdivision: N/A	Lot N/A	Block N/A
Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc): <u>surveyor</u>		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet): <u>TBD</u>		

2. Distance from Section Lines (if not providing a UTM coordinate above):  
 Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the structure.

<b>Distance from Section Lines</b> (not from property lines)		
<u>TBD</u> Feet from <input type="checkbox"/> N <input type="checkbox"/> S and <u>TBD</u> Feet from <input type="checkbox"/> E <input type="checkbox"/> W		
Source of PLSS information:		
Street Address: Ute Chief Lode USMS No. 18463, 3300C CR 33A, Deer Park, San Juan County, CO		
Subdivision: N/A	Lot N/A	Block N/A

4. Source: (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River) Unnamed tributary to Deer Park Creek, tributary to the Animas River
5. A. Date of appropriation: TBD 2025  
 B. How appropriation was initiated: Placement of pipe at Point of Diversion  
 C. Date water applied to beneficial use: TBD 2025
6. Amount claimed in cubic feet per second (cfs) or gallons per minute (gpm) (1 cfs = 448.8 gpm).  
 Conditional      ( cfs  gpm) Absolute 0.033 ( cfs  gpm)

If claiming an absolute water right, application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.

7. List All Uses or Proposed Uses: Domestic use for a single family cabin

A. If irrigation, complete the following:  
Number of acres historically irrigated \_\_\_\_\_; proposed to be irrigated \_\_\_\_\_.  
Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?  yes  no  
Legal description of irrigated acreage. Mark the location of the irrigated acreage on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map.

N/A

B. If non-irrigation, describe purpose fully. Mark location of use on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map.

Domestic use for a single family cabin, please see attached Exhibit A

8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this application. The certification form is on page 4 of this form.

Name of Owner	Mailing Address
David Breed	
-or-	
Bureau of Land Management	

9. Remarks or any other pertinent information:

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
- By checking this box, I am acknowledging that I have made a change to the original content of this form.

(Draft as of August 28, 2024)  
Signature of Attorney (if any) \_\_\_\_\_ Date \_\_\_\_\_



San Juan County Public Health  
1315 Snowden St  
Silverton, CO 81433

## On-Site Wastewater Treatment System (OWTS) Permit Application

Owner: David Breed Phone: (603) 738-7161  
Project Address (street, town/city, zip): Ute Chief Lode USMS No. 18463, 3300C CR 33A  
Assessor's Parcel #\* 48290000010046 Subdivision: N/A Lot#: N/A  
Lot Size: 10.33 (acres) # of Dwellings: 1 # of Bedrooms: 1-2 Water Supply: Cistern  
List Commercial Uses (e.g., office, factory, event venue): N/A  
Owner's Mailing Address: PO Box 239, Silverton, CO 81433  
Owner's Email Address: dgbreed@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"/> <p><b>New Construction - (\$1123.00)</b> <i>For new OWTS and complete system replacement</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>A design must be submitted to La Plata County (LPC). San Juan County (SJC) must have payment for LPC to review designs for permit issuance.</li> </ul>	<input type="checkbox"/> <p><b>Alteration - (\$1068.00)</b> <i>For changes/additions to existing permitted OWTS</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>A design must be submitted to La Plata County (LPC). San Juan County (SJC) must have payment for LPC to review designs for permit issuance.</li> </ul>
<input type="checkbox"/> <p><b>Change Of Use - (\$518.00)</b> <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></p> <ul style="list-style-type: none"> <li>For expanded use, provide a certification report from a Professional Engineer (PE) or system designer.</li> <li>For new service connections, provide a proposed site plan and describe scope of work below.</li> <li>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</li> </ul>	<input type="checkbox"/> <p><b>Minor Repair - (\$408.00)</b> <i>For replacement of OWTS components with no change to permitted use</i></p> <ul style="list-style-type: none"> <li>Submit application with payment, transfer of title inspection report (if available) and a simple site plan showing location of repairs.</li> <li>List repairs/scope of work below (e.g. tank replacement, aerators, pipe repairs, etc.)</li> <li>A permit is NOT required for repair of components that do not provide treatment (e.g., fencing, tank lids, inspection ports)</li> </ul>

Please describe in detail work to be completed: \_\_\_\_\_  
Engineered Septic System is currently being designed by Dudley Ashwood, PE,  
phone: (970) 903-9811

I **acknowledge**: (1) The information provided in this application is true and accurate to the best of my knowledge; (2) Submittal of this application does not constitute or guarantee approval of the requested permit or document; (3) Issuance of the requested permit or document does not assure that: (a) Final approval of the proposed system will be obtained upon inspection; or that (b) The permitted OWTS system will operate as intended; and that (4) I am responsible for the proper installation, repairs and maintenance of the OWTS system in accordance with the rules and regulations set forth in the SJCPH regulations, as well as any specific conditions of approval that may be imposed on issuance of the requested permit or document.

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Submit completed application to [eh@lpcgov.org](mailto:eh@lpcgov.org) or at our office location.

**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 La Plata County.**



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

August 28, 2024

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

EMI Job No. 2007-113

Subject: Proposed Breed Septic System, Ute Chief Lode USMS No. 18463, County Road 33A, Deer Park, San Juan County, Colorado.

Dear Willy and Commissioners:

This letter is regarding the proposed septic system (aka On-Site Wastewater Treatment System, OWTS) for the proposed Breed Cabin, located on the Ute Chief Lode, County Road 33A, Deer Park, San Juan County, Colorado. This letter has been prepared as part of a San Juan County Improvement Permit Application.

The proposed Breed septic system is currently being designed by Professional Engineer Dudley Ashwood PE of Durango, (970) 903-9811, dudley.ashwood@gmail.com. It is my understanding that the septic design engineer will be visiting the site on August 30, 2024, with local excavator Cody Braford to utilize heavy equipment to excavate the two State-required septic profile test pits. There is an existing driveway accessing the site so no tree clearing or grading should be necessary to excavate those test pits. The subsurface information observed in the test pits will be used to "size" the proposed "leachfield." Attached for your review is the San Juan County Public Health Septic System Permit Application Form.

As a State-Licensed Civil Professional Engineer with experience in San Juan County Colorado septic system design since 2001, having personally visited the Ute Chief Lode several times since 2007, I believe that the wooded, moderately sloped, 10.33 acre site is capable of having an on-site septic system, adequate to serve the proposed two-bedroom Breed cabin, which will meet the current State regulations.

In 2013, I began the design of a proposed greywater septic system on the Ute Chief Lode for the previous property owner. A report regarding the proposed greywater septic system was submitted to the County on February 4, 2014, which is available from Engineer Mountain Inc. upon request. Shortly thereafter the State imposed a moratorium on new greywater septic systems, then eventually the State eliminated the option of new greywater septic systems.

The State septic system regulations are available online and are known as "Regulation 43." The State regulations are mandated as the minimum to the local septic regulatory agencies. The septic systems in this County are currently being regulated by La Plata County Public Health Department on behalf of and in conjunction with the San Juan County Colorado Public Health Department.

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

Sincerely,

Lisa M. Adair PE  
Engineer Mountain, Inc.

Cc: Property Owner David Breed, Septic Design Engineer Dudley Ashwood.

PO Box 526 - 962 Reese Street - Silverton CO - landline (970) 387-0500 - cell (970) 946-2217

SAN JUAN COUNTY, COLORADO  
DRIVEWAY AND ROAD ACCESS PERMIT

Improvement  
Permit No. \_\_\_\_\_

Applicant: DAVID BREED  
PO BOX 234  
SILVERTON CO 81433  
UTE CHIEF LODGE USMS No 18463

Location of Proposed Driveway or Access on County Road No. 33A:

THE UTE CHIEF LODGE IS ACCESSED BY USING THE  
EXISTING DRIVEWAY WHICH INTERSECTS WITH COUNTY  
ROAD 33A (DEER PARK ROAD). THE EXISTING  
DRIVEWAY STARTS ON THE BROADWAY LODGE, GOES  
THROUGH THE UTE CHIEF LODGE, AND ENDS ON  
THE UTE CHIEF LODGE.

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

THE DRIVEWAY IS EXISTING AND IT INTERSECTS  
COUNTY ROAD 33A (DEER PARK ROAD) ON THE  
BROADWAY LODGE. NO DRIVEWAY IMPROVEMENTS  
ARE PROPOSED AT THIS TIME, UNLESS  
REQUIRED BY THE COUNTY.

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

970-387-5674

RELATIONSHIP OF PROPERTY TO COUNTY ROAD AND STATE HIGHWAY SYSTEMS

UTE CHIEF LOPE USMS No. 18463 - DAVID BREED

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 2,600 from County Road No. 33A, the nearest designated and publicly maintained county road.
2. Said County Road No. 33A 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 3 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.

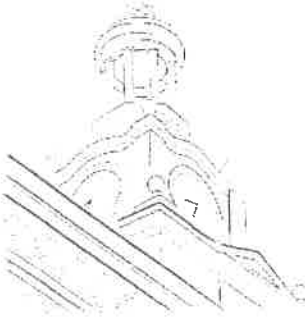
Signed and dated this 27 day of AUGUST, 2024.

D. BREED

Applicant

ATTEST:

\_\_\_\_\_  
Position:



**SAN JUAN COUNTY HEREBY ISSUES LAND USE PERMIT NUMBER 2013-07**

**DATE ISSUED: 05/28/2013; Permit is valid through May 27, 2014.**

**DATE OF ESTIMATED COMPLETION: September 30, 2013**

**ISSUED BY: Bob Nevins, San Juan County Land Use Administrator**

**APPLICANT: Pete Maisel, Owner/Contractor**

**ADDRESS: P.O. Box 286, Silverton, CO 81433**

**PROPERTY LEGAL DESCRIPTION: Ute Chief Lode USMS No. 18463**

**USE/IMPROVEMENTS: Access driveway construction including grading and tree clearing.**

**This Land Use Permit is issued subject to the following conditions:**

1. The project is located entirely on private property and contained within the access and utility easements as shown on the attachments. Sheets 1-3. The start of this new access driveway begins at the end of the existing drive within the Broadway Lode and continues through the Moqui Chief Lode to a proposed parking and turn-around area situated in the middle of the Ute Chief Lode. Prior to initiating any on-site work, a licensed surveyor shall accurately establish the property boundaries and driveway alignment to ensure that all construction activities are completely within private property.
2. Applicant has been granted Access and Utility Easements across the Broadway Lode USMS No. 18463 (recorded as Reception No. 148986, San Juan County, CO) and Moqui Chief Lode USMS No. 18463 (recorded as Reception No. 149004, San Juan County, CO).
3. All improvements and construction activities including clearing and grading shall be in full compliance, and strict conformance to all terms, conditions and restrictions contained within the San Juan County Zoning and Land Use Regulation. Applicant is also responsible for being in compliance with all applicable Local, State and Federal rules and regulations.
4. Applicant acknowledges that emergency services will not be available in a timely manner or perhaps not at all; and that County Roads, 33 and 33A, which provide seasonal roadway access to the property are not regularly maintained and do not receive any winter maintenance.
5. This administrative use permit in no way guarantees or infers approval of any future structures or other improvements that the applicant may seek to construct on the property. Land owner must apply for and receive an improvement permit prior to the construction of any home, cabin, shed and/or other site improvements beyond the construction of the driveway for which this permit is issued. Furthermore, any future development will be subject to land use regulations in place at the time of application.

6. Any shared security gate posts, chain and/or cable shall comply with Section 2-1101 and shall not be located within the public right-of-way.

7. All site improvements shall be completed within the time frame specified in the permit.





CONSULTING ENGINEER  
 1505 W. SPRING VALLEY  
 DENVER, COLORADO 80202  
 PHONE: 303.733.1111  
 FAX: 303.733.1112  
 WWW: WWW.PEAKDESIGN.COM

SAN JUAN COUNTY, COLORADO  
 UTE CHIEF LODGE, COUNTY ROAD 33A  
 PROPOSED DRIVEWAY  
 SITE PLAN

DATE: APRIL 20, 2007  
 DRAWN BY: [NAME]  
 CHECKED BY: [NAME]  
 DATE: 7-11-03  
 DRAWN BY: [NAME]

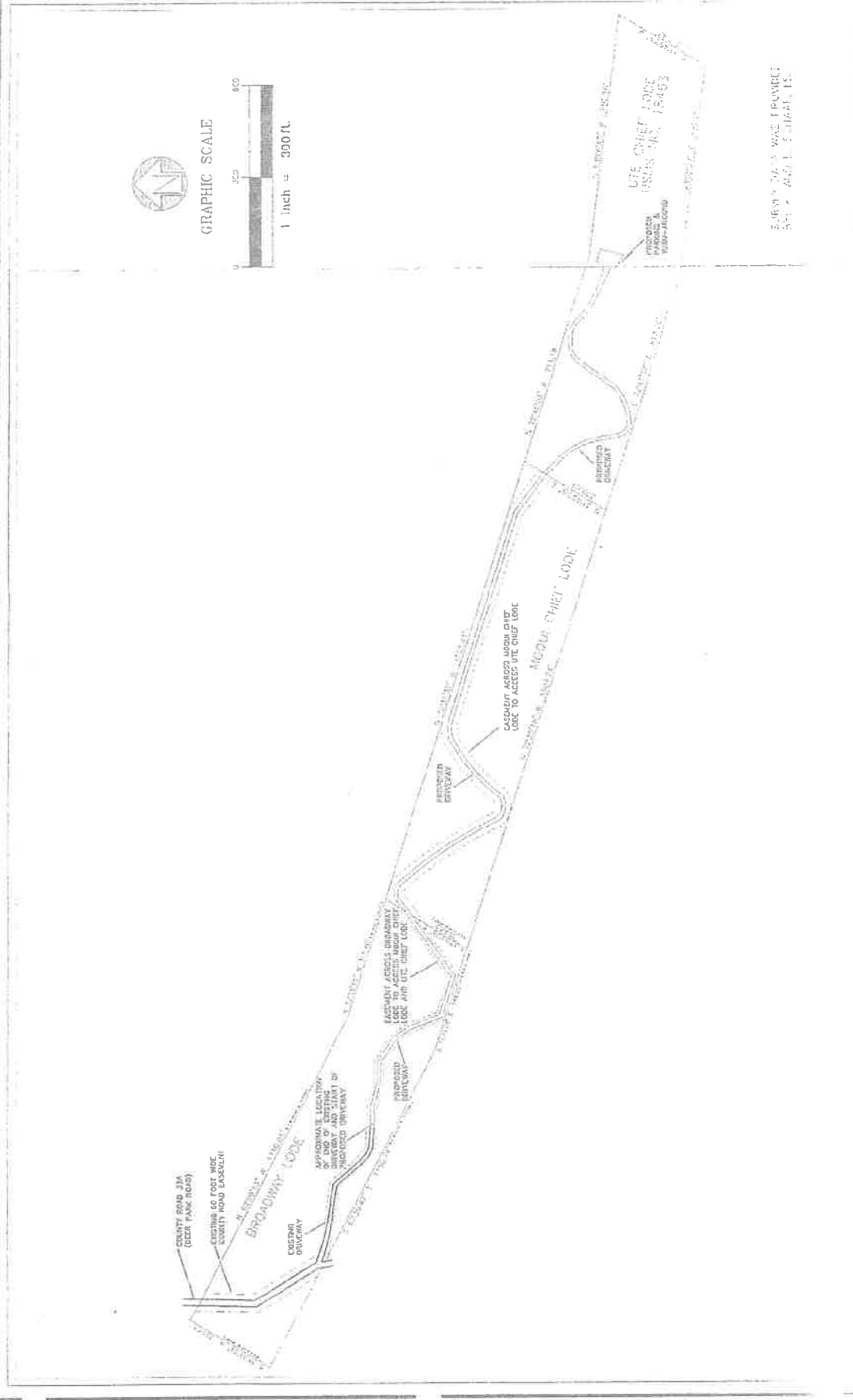


GRAPHIC SCALE



1 inch = 300 ft.

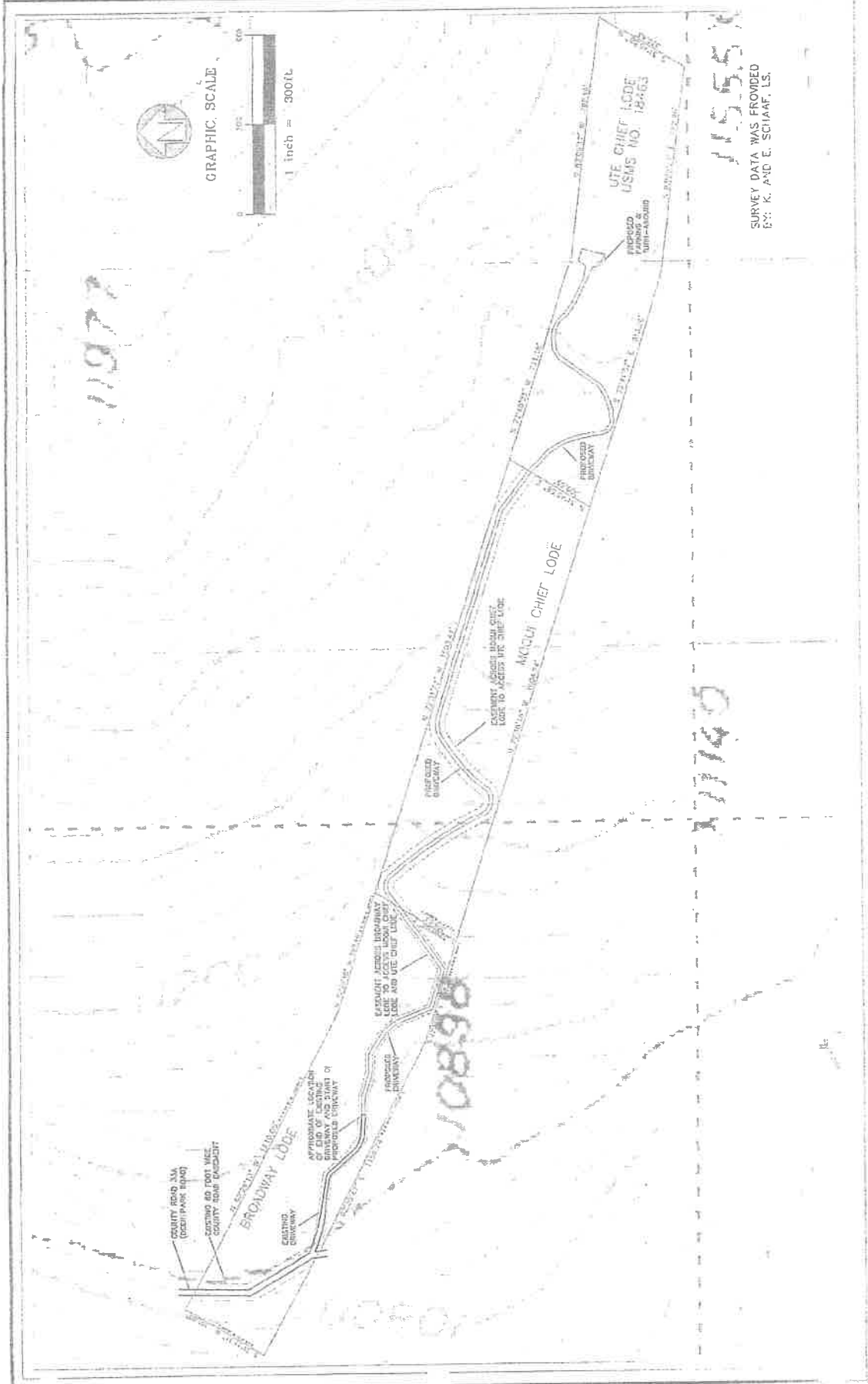
SHERIFF'S OFFICE  
 500 W. WASHINGTON ST.  
 DENVER, CO 80202



ENGINEER WORKMAN CO.  
 1500 S. W. 10th St., Suite 100  
 Fort Collins, CO 80504  
 (970) 227-1200  
 FAX: (970) 227-1201  
 www.engineerworkman.com

SAN JUAN COUNTY, COLORADO  
 UTE CHIEF LODGE, COUNTY ROAD 33A  
 PROPOSED DRIVEWAY  
 SITE PLAN WITH TOPOGRAPHY

DATE: APR. 24, 2007  
 SHEET: 7  
 LAST REVISION: 4/17/07  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 LAYOUT/DATE: SITE PLAN/PROPOSED



11977  
 10890  
 11740  
 UTE CHIEF LODGE  
 USMS NO. 18-63  
 PROPOSED DRIVEWAY  
 SURVEY DATA WAS PROVIDED  
 BY: K. AND E. SCHAAF, L.S.

April 9, 2013

Clerk and Recorder  
San Juan County  
P.O. Box 466  
Silverton, Colorado 81433

Subject: Access and Utility Easement across the Broadway Lode USMS No. 18463, to access the Ute Chief Lode USMS No. 18463, near County Road 33A, Deer Park area, near Silverton, San Juan County, Colorado.

### EASEMENT DEED

To whom it may concern.

For Ten Dollars (\$10.00) and other good and valuable consideration, Brant Heidlebaugh, Grantor, PO Box 855, Silverton, CO 81433, does hereby grant and convey to Peter Maisel, Grantee, PO Box 286, Silverton, CO, 81433, his successors and assigns, a non-exclusive access and utility easement across the Broadway Lode USMS No. 18463, to the Ute Chief Lode USMS No. 18463. Said easement is described as follows:

The Ute Chief Lode is near the Broadway Lode. Access to the Ute Chief Lode will be from County Road 33A, which crosses through the Broadway Lode. The location of the thirty-foot wide easement across the Broadway Lode is shown on the attached Exhibit A. A driveway has recently been constructed within the western part of the easement. Where the driveway is already constructed, the easement shall be located along the existing driveway, with fifteen feet of easement width on each side of the existing as-built driveway centerline. The driveway will be extended to the eastern property line of the Broadway Lode. After construction of the driveway extension, the easement shall be located along the as-built driveway extension, with fifteen feet of easement width on each side of the as-built driveway centerline. Although no utilities are proposed at this time, the easement may also contain future utilities.

This access and utility easement shall be in effect in perpetuity in the event that ownership of any or all of the properties changes. Additionally the easement shall be as shown on the attached one page Exhibit A.

3. In this deed, the words "and assigns" shall mean the heirs, legal representatives, personal representatives, and assigns of the grantor.

-EASEMENT DEED across the Broadway Lode to the Ute Chief Lode, Page 2 of 3-

*Brant Heidlebaugh*

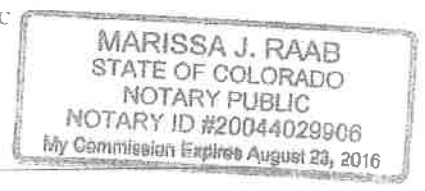
Signature of **Brant Heidlebaugh**, Owner of the Broadway Lode USMS No. 18463

STATE OF COLORADO )  
 ) ss.  
County of San Juan )

The foregoing document was acknowledged before me this 11th day  
of April, 2013, by Brant Heidlebaugh.

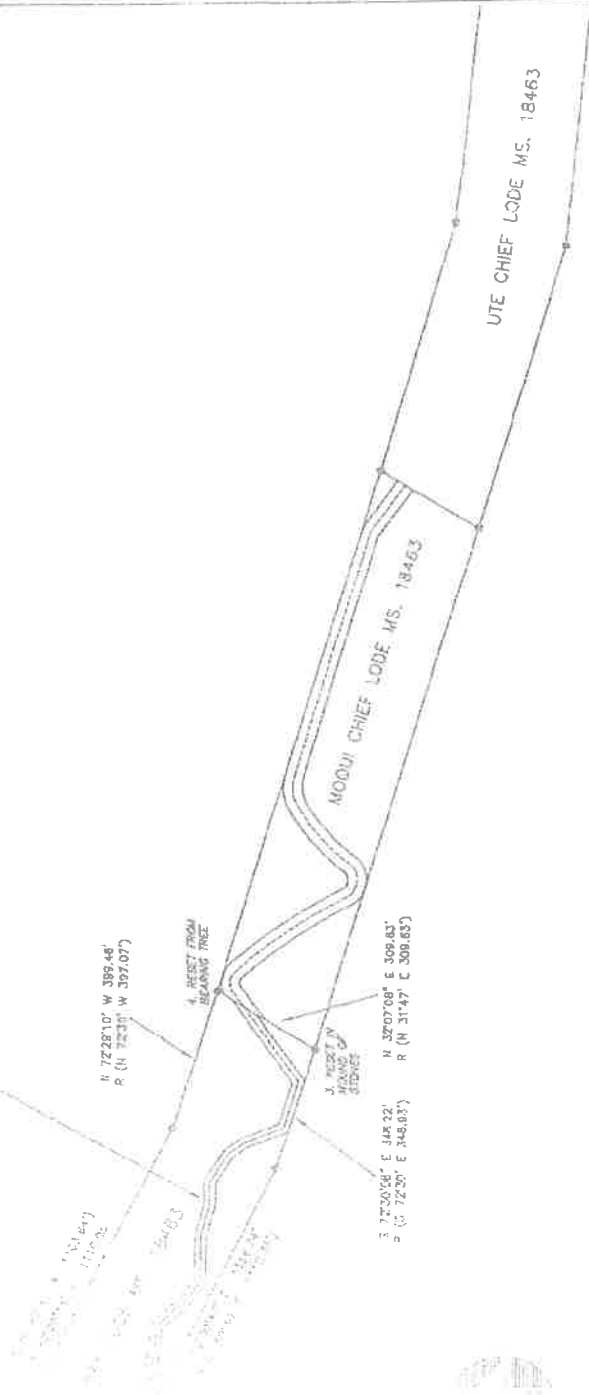
Witness my hand and official seal, *Marissa Raab*  
Notary Public

My commission expires: August 23, 2016



# EXHIBIT A

LOCATION OF 30' WIDE ACCESS AND UTILITY EASEMENT ACROSS BROADWAY LODGE



SURVEY DATA WAS PROVIDED BY:



ENGINEER MOUNTAIN INC.  
formerly MACKIE Engineering  
P.O. BOX 525, SILVERTON, CO 81433  
(970) 387-0500  
mackie@jobbrainsform.net

SOILS RETAINING WALLS  
SEPTICS FOUNDATIONS  
GRADING AND DRAINAGE  
CIVIL SITE DEVELOPMENT

EXHIBIT A: PROPOSED ACCESS AND UTILITY EASEMENT  
ACROSS BROADWAY LODGE TO ACCESS UTE CHIEF LODGE  
NEAR COUNTY ROAD 33A, DEER PARK AREA  
SAN JUAN COUNTY, COLORADO

1000'

500'

April 9, 2013

Clerk and Recorder  
San Juan County  
P.O. Box 466  
Silverton, Colorado 81433

**Subject:** Access and Utility Easement across the Moqui Chief Lode USMS No. 18463, to access the Ute Chief Lode USMS No. 18463, near County Road 33A, Deer Park area, near Silverton, San Juan County, Colorado.

#### EASEMENT DEED

To whom it may concern,

The owners of the Moqui Chief Lode USMS No. 18463 are the following: Caitlin & William Gribble, Susan & David Olive, Patrick Cotter, Alexander Cotter, and Anne & Robert Moses.

For Ten Dollars (\$10.00) and other good and valuable consideration, the owners of the Moqui Chief Lode listed above, Grantors, PO Box 13374, Burton, WA 98013-0374, do hereby grant and convey to Peter Maisel, Grantee, PO Box 286, Silverton, CO, 81433, his successors and assigns, a non-exclusive access and utility easement across the Moqui Chief Lode, to the Ute Chief Lode USMS No. 18463. Said easement is further described as follows:

The Ute Chief Lode borders the Moqui Chief Lode. Access to the Ute Chief Lode will be from County Road 33A, which crosses through the Broadway Lode, adjacent to the Moqui Chief Lode. The location of the fifty-foot wide easement is shown on the attached Exhibit A. A driveway may be constructed within the easement. Prior to driveway construction, the easement shall be located along the centerline of the proposed driveway. The driveway shall be staked prior to construction, in accordance with the attached Exhibit A. After construction of the proposed driveway, the access and utility easement shall be located along the as-built driveway location, with twenty-five feet of easement width on each side of the as-built driveway centerline. Although no utilities are proposed at this time, the easement may also contain future utilities.

This access and utility easement shall be in effect in perpetuity in the event that ownership of any or all of the properties changes. Additionally the easement shall be as shown on the attached one page Exhibit A.

This seven page easement agreement document shall be filed in the San Juan County Courthouse.

Page 2 of 7 through Page 6 of 7 Signature Pages.

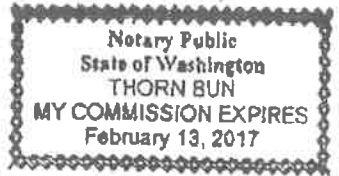
Page 7 of 7, Exhibit A.

-EASEMENT DEED across the Moqui Chief Lode to the Ute Chief Lode, Page 2 of 7-

*[Handwritten Signature]*

Signature of Caitlin Gribble, Owner of the Moqui Chief Lode USMS No. 18463.

STATE OF Washington )  
County of King ) ss.



The foregoing document was acknowledged before me this 24 day  
of April, 20 13, by

Caitlin Gribble.

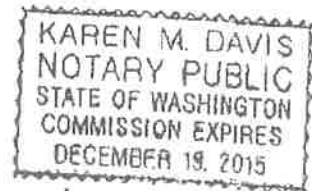
Witness my hand and official seal. *[Signature]*  
Notary Public

My commission expires: 2/13/17

*[Handwritten Signature]*

Signature of William Gribble, Owner of the Moqui Chief Lode USMS No. 18463.

STATE OF WA )  
County of King ) ss.



The foregoing document was acknowledged before me this 17<sup>th</sup> day  
of April, 20 2013, by

William Gribble.

Witness my hand and official seal. *[Signature]* Karen Davis  
Notary Public

My commission expires: December 19, 2015



-EASEMENT DEED across the Moqui Chief Lode to the Ute Chief Lode, Page 3 of 7-

*Susan Olive*

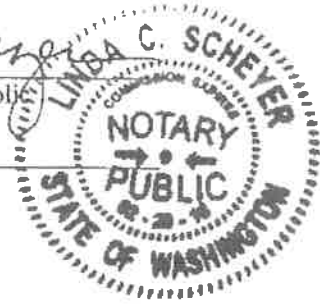
Signature of Susan Olive, Owner of the Moqui Chief Lode USMS No. 18463.

STATE OF WASHINGTON )  
County of PIERCE ) ss.

The foregoing document was acknowledged before me this 26<sup>th</sup> day  
of April, 2013, by  
Susan Olive.

Witness my hand and official seal *Linda C. Scheyer*  
Notary Public

My commission expires: 2-20-16



*David Olive*

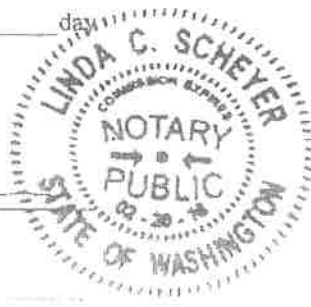
Signature of David Olive, Owner of the Moqui Chief Lode USMS No. 18463.

STATE OF WASHINGTON )  
County of PIERCE ) ss.

The foregoing document was acknowledged before me this 26<sup>th</sup> day  
of April, 2013, by  
David Olive.

Witness my hand and official seal *Linda C. Scheyer*  
Notary Public

My commission expires: 2-20-16



-EASEMENT DEED across the Moqui Chief Lode to the Ute Chief Lode, Page 4 of 7-

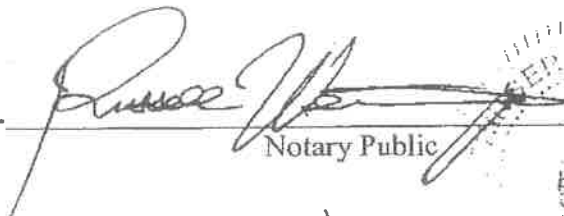


Signature of Patrick Cotter, Owner of the Moqui Chief Lode USMS No. 18463.

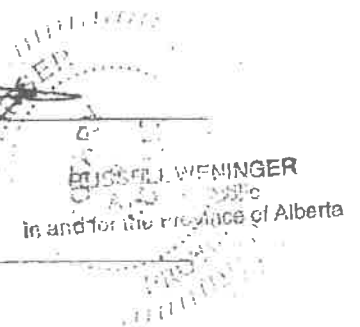
PROVINCE OF Alberta )  
City of Calgary ) ss.

The foregoing document was acknowledged before me this 26<sup>th</sup> day  
of April, 20 13, by  
Patrick Cotter.

Witness my hand and official seal.

  
Notary Public

My commission expires: does not expire. -rw



-EASEMENT DEED across the Moqui Chief Lode to the Ute Chief Lode, Page 6 of 7-

*Anne Moses*

Signature of Anne Moses, Owner of the Moqui Chief Lode USMS No. 18463.

*Robert Moses*

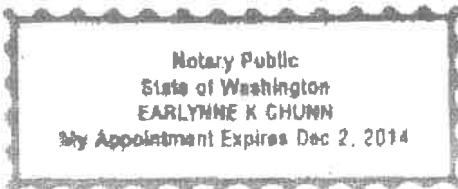
Signature of Robert Moses, Owner of the Moqui Chief Lode USMS No. 18463.

STATE OF Washington )  
 ) ss.  
County of King )

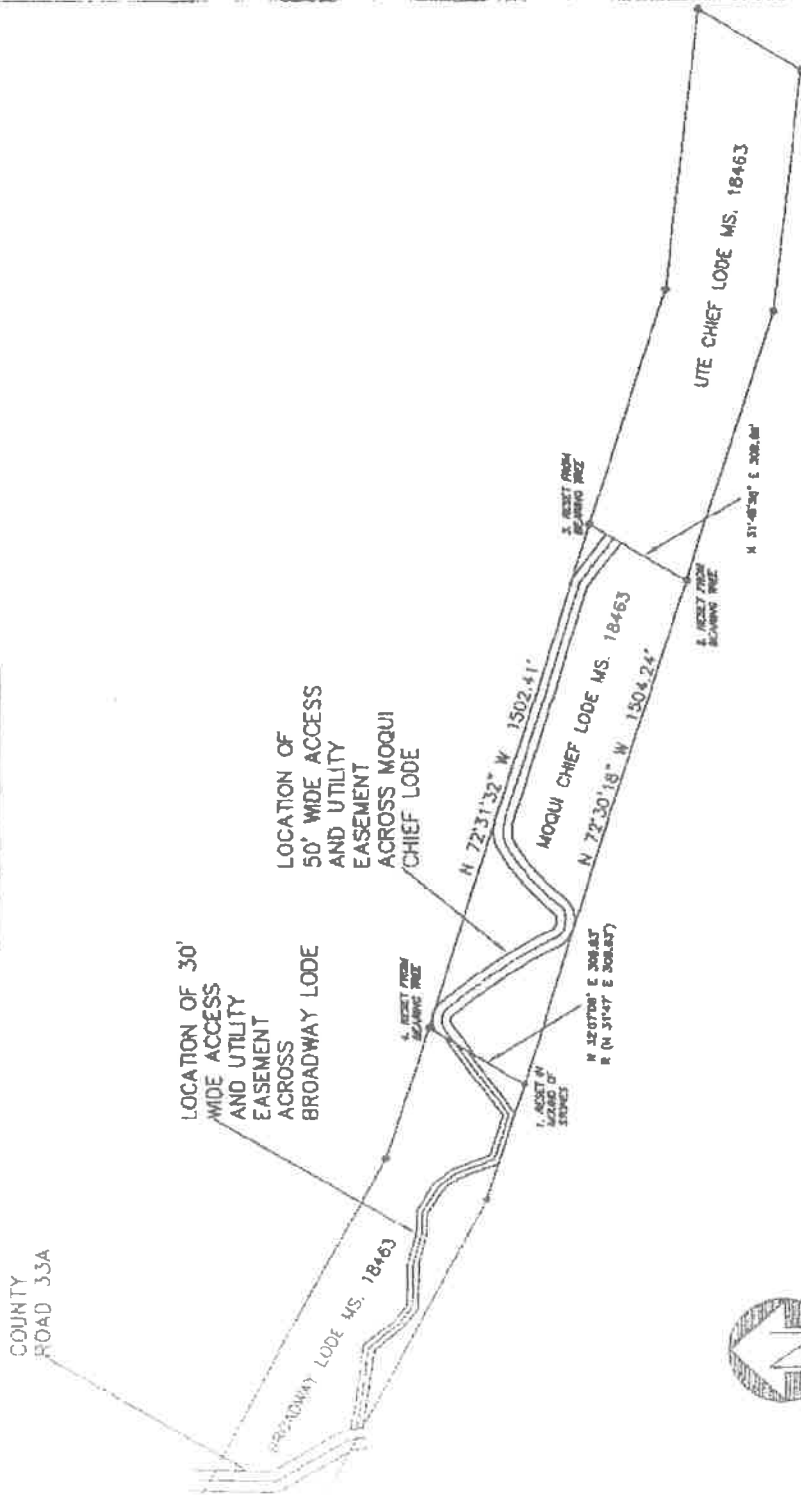
The foregoing document was acknowledged before me this 19th day  
of April, 2013, by  
Anne and Robert Moses.

Witness my hand and official seal. *Earlynne K Chun*  
Notary Public

My commission expires: Dec 2, 2014



# EXHIBIT A



GRAPHIC SCALE



1 inch = 500ft.

SURVEY DATA WAS PROVIDED BY:



**ENGINEER MOUNTAIN INC.**  
 formerly MACKIE Engineering  
 P.O. BOX 928, SILVERTON, CO 81433  
 (970) 387-0500  
 mackie@pobox.silverton.na

EXHIBIT A: PROPOSED ACCESS AND UTILITY EASEMENT  
 ACROSS MOQUI CHIEF LODE TO ACCESS UTE CHIEF LODE  
 NEAR COUNTY ROAD 33A, DEER PARK AREA  
 SAN JUAN COUNTY, COLORADO

DATE	4/12/07
DRAWN BY	MMH/AMA
SITE NAME	7-112/2013 Camp Site A.Dwg
PROJECT NAME	50' Easmt / N/A
DATE REVISED	4/19/2013

STAFF REPORT FOR  
SAN JUAN COUNTY  
BOARD OF COMMISSIONERS

Regular Meeting: March 12, 2014  
From: Bob Nevins, Planning Director  
Project No. 2013-14

**Public Hearing-Preliminary/Final Plan Application Review**

**Parcel: Ute Chief Lode USMS No. 18463**

**Applicant/Owner-Pete Maisel**

**Applicant Representative-Lisa Adair, Engineer Mountain, Inc.**

---

**INTRODUCTION**

Pete Maisel, Owner/Applicant, is requesting Preliminary/Final Plan approval to construct a 1-story cabin, detached shed and associated utility improvements on the Ute Chief Lode. This application was submitted by Engineer Mountain, Inc. on February 4, 2014.

*The Ute Chief Lode Preliminary-Final Submittal is attached in a separate folder.*

**I. PROCESS**

**Preliminary Plan** allows the applicant to present their proposed use or development to the County in specific terms, in every appropriate detail including plans and specifications for structures, roads, utilities and other improvements. At **Final Plan**, the applicant presents whatever material or information that may have been requested by the Board of Commissioners as a condition of Preliminary Plan approval; submits any necessary corrections to final documents; and prepares final documents for signature and/or recording. The review process for this Improvement Permit application has been **Consolidated** since the intent of the Land Use Regulation and interests of efficiency are served.

**Sketch Plan** application was reviewed by the Planning Commission on December 10, 2013; the Board of County Commissioners concurred with the Planning Commission recommendation and approved the Sketch Plan at a regular public meeting on January 8, 2014.

**II. PLANNING COMMISSION RECOMMENDATION**

**Planning Commission** at a regular meeting on February 19, 2014, reviewed the application with the applicant to determine its compliance with the *County Zoning and Land Use Regulations* and its conformance to the *County Master Plan*. Planning Commission made a determination and forwarded a unanimous (6-0 with a member absent) recommendation of approval to the Board of County Commissioners.

**III. PUBLIC NOTICE**

Consolidated Preliminary/Final Plan review requires public notice. Notice of the public hearing by the Board of County Commissioners was published in the *Silverton Standard* on Thursday, February 27, 2014.

Public Notice of the Planning Commission meeting was mailed to adjacent property owners within 1,500 feet of the property on February 7, 2014. Staff has not received any public inquiries or written comments concerning this application.

#### IV. ZONING/LAND USE REQUIREMENTS

The land is zoned "Mountain Zone." Residential use is a Use Subject to Review. Mountain Zone requirements include: a minimum parcel or lot area of five (5) acres and minimum setbacks of 20 feet from public land or 30 feet from private land.

All applications for individual building sites shall comply with the requirements set forth in Section 4-110 Design and Development Standards for All Special Uses/Improvement Permits. Since this property is located above 11,000 feet, Section 4-110t, Square Footage Limitations is applicable.

#### V. PROPOSED RESIDENTIAL DEVELOPMENT

The owner is proposing to construct a rustic, 1-story, 2-bedroom cabin containing 1,000 feet (750 square feet, with a request for a bonus of 250 square feet). A detached shed and associated site improvements are also included in the proposal. The access driveway passes through the Broadway Lode MS 18643 and the Moqui Chief Lode MS 18643 up to the Ute Chief MS 18643. The drive is located entirely on private property and contained within deeded access easement. The alignment was administratively approved with conditions on May 28, 2013 as Land Use Permit No. 2013-07.

The property is located approximately 3.5 miles from downtown Silverton via 14<sup>th</sup> Street and County Road 33 to County Road 33A. The proposed cabin site is situated at an approximate elevation of 11,800 feet within a stand of mature coniferous trees behind a knoll area to the north and about 600 vertical feet above Deer Park Creek.

#### VI. PROJECT SUMMARY

**a. Property Location:** The parcel is located in unincorporated San Juan County and surrounded by Bureau of Land Management (BLM) public lands. It lies southeast of the Town of Silverton at elevations ranging from about 11,520 to 11,760 feet in the Deer Park area south of Kendall Mountain and west of Kendall Peak.

**b. Size:** The parcel measures approximately 300 feet by 1,500 feet and contains about 10 acres.

**c. Current Zoning:** The land is zoned "Mountain Zone." Permitted Uses by Right are mining and milling, and activities which do not involve any construction or development of any sort (such as grazing, camping, picnicking, hiking and outdoor recreation). All other uses, including residential use, are Uses Subject to Review. Mountain Zone requirements include: a minimum parcel or lot area of five (5) acres and minimum setbacks of 20 feet from public land or 30 feet from private land.

**d. Current Land Use:** The land is undeveloped.

**e. Proposed Land Use:** The proposed land use is Residential with accessory uses. The proposed development includes a 1-story, 2-bedroom/1-bath, cabin containing 1,000 feet (750 square feet with a request for a bonus of 250 square feet), detached shed (150 square feet) and associated site improvements.

**f. Surrounding Land Use:** The surrounding area is largely public land with the primary uses being resource management and outdoor recreation. While there are currently no cabins or other structures built in the immediate vicinity of the Ute Chief, a cabin site has been approved on the Broadway Lode.

**g. Proposed Building Envelope:** There are site-specific areas within the Ute Chief Lode that are developable based on the INSTAAR Natural Hazards Maps (Geologic, Avalanche, Wildfire and Overall), site topography, tree cover/vegetation and access. The proposed building envelope and cabin design are acceptable in terms of location, siting, size, scale, height, form and materials.

**h. Access:** County Roads 33 and 33A are single-lane, unpaved roads that provide adequate seasonal (summer) vehicular access to the site. During the winter months when avalanche danger is low, the snow-covered roads allow travel by snowmobiles, skis and snowshoes. Applicant is proposing to access the property from CR 33A by constructing a 12-foot wide, 4,100-foot long unpaved driveway from the Broadway Lode up through the Moqui Chief Lode to the cabin site on the Ute Chief.

**i. Water Supply:** Applicant is proposing to haul potable water from his residence in Silverton that has metered utility billing and store it on-site in a 500-gallon cistern to meet the domestic and emergency service needs.

**j. Sewage Treatment:** Applicant is proposing to develop a septic system that will comply with all San Juan Basin Health (SJBH) regulations.

**k. Power:** Applicant plans to utilize propane gas and solar with a generator as a back-up power source.

**l. Heating:** Applicant intends to have one (1) wood stove in the cabin.

**m. Trash/Solid Waste:** Applicant will be responsible for transporting trash to the Transfer Station and paying the required disposal fees.

**n. Emergency Service:** While emergency services (police, fire, medical/EMT) are not readily available, especially when the road is snow-covered and avalanche danger is considerable, they are adequate given the proposed low-intensity, personal residential use.

**o. Communications:** Telephone and television service are not mentioned in the application.

**p. Exterior Lighting:** Exterior lighting shall be minimal and comply with County regulations.

**q. Revegetation and Landscaping:** Applicant is proposing to create a defensible wildfire zone by removing some of the dense trees and by raking and removing some of the combustible brush/ground cover around the cabin while preserving a majority of mature coniferous trees for visual screening and aesthetic purposes.

## VII. PLANNING COMMISSION RECOMMENDATION AND CONDITIONS

The Preliminary/Final Plan application is consistent with the Sketch Plan submittal and adequately addresses those conditions.

*Planning Commission recommends approval of the Preliminary/Final Plan application with the following conditions and/or stipulations:*

- 1. Land Use:** Approval of one (1) single-family cabin for strictly non-commercial, personal residential use; any other use, such as a vacation rental, shall require County approval of a Use Permit and substantiation of having adequate square footage/bedrooms, utilities and services to safely accommodate the proposed use, guest capacity and occupancy durations. All improvements, uses and activities shall be fully contained within the private property boundaries of the Ute Chief.
- 2. Design Standards:** Approval of a 250 square foot bonus as this project is determined to be "extraordinary." The residential development and associated site improvements shall be in compliance with Section 4-110 Design and Development Standards.
- 3. Size of Improvements:** Approval of a 1-story, 2-bedroom/1-bath cabin that measures 25 feet by 40 feet and has a total floor area of 1,000 square feet (750 square feet with a bonus of 250 square feet). The maximum cabin height shall be 22 feet above natural grade. The detached shed shall be a maximum of 200 square feet and 16 feet in height. These structures shall be appropriately located and sized to minimize impacts on scenery and environmentally sensitive areas. This approval does not include any satellite/communication dish, antenna, fencing or other such improvements.
- 4. Use Permit:** Approval of a 6-month extension (May 28, 2014 to November 30, 2014) for Use Permit No. 2013-07 to allow for construction of the access drive through the Broadway and Moqui Chief to the building site on the Ute Chief. The road work may be started/ completed prior to issuance of the building permit. The entire driveway alignment and adjacent property boundaries were "flagged" and verified on-site by staff during a site visit on September 26, 2013. County staff shall conduct a site visit this year to confirm the flagging/ alignment prior to any grading, site work or construction.
- 5. Site Access:** Approval of a 12-foot wide ungravel driveway with culverts and turnouts as needed to access the cabin site. The approved access drive shall be approximately 4,100 feet (0.75 miles) in length from its starting point on the "Broadway" looking up through the Moqui Chief Lodge and on to the Ute Chief. A sign shall be placed at the driveway entrance to the property.



improvements shall occur entirely on private property and within the deeded access easement.

6. **Public Dedication:** No County roads or historic trails are contained within the property and no public easement dedications are required.
7. **Site Survey:** A licensed surveyor shall verify the driveway alignment, cabin site and associated improvements; the adjacent property lines shall also be clearly identified to ensure that all construction activities and site improvements are located within the private property boundaries. Planning and Building staff shall conduct a site visit prior to any clearing, grading site work or construction activity.
8. **Site Disturbance:** Site disturbance shall be minimized to the greatest extent possible. Any disturbed areas shall have adequate erosion control measures in place and they shall be revegetated with native plant species that are certified weed-free as soon as possible after disturbance.
9. **Building Materials and Lighting:** Approval of the exterior building material palette for the residential cabin and detached shed: natural wood, board and batten siding, rusted metal wainscoting and rusted metal roofing. Windows and solar panels shall be non-reflective, non-glare. All building materials and colors shall blend in with the natural landscape and vegetation to minimize visual impacts. Exterior lighting shall be minimal and comply with County requirements.
10. **Water Supply:** Approval to transport potable water from the owner's residence in Silverton that has metered utility billing and store it on-site in a buried 500-gallon cistern with gravity flow to meet the domestic and emergency service needs.
11. **Sewage Treatment:** Approval of an engineered septic system that includes one (1) composting or incinerating toilet and a graywater leachfield that meets all San Juan Basin Health (SJBH) regulations and specifications. Once there is driveway access, heavy equipment may access the leachfield site for needed testing. Upon field testing and final system design, applicant shall obtain final approval from San Juan Basin Health.
12. **Power:** Approval of the power source being propane gas stored in a portable tank and solar panels. A generator is also approved as a back-up power source and it shall be located in the detached shed to reduce adverse noise impacts on the surrounding area.
13. **Heating:** Approval of the heating source being a wood burning stove. The stove shall be of the type approved by the Department of Forestry, Safety & Protection and shall be installed in accordance with the manufacturer's instructions.

approved chimney cap or spark arrestor to minimize the risk of wildfire.

- 14. Refuse and Water Billing:** The property shall be placed on the Town of Silverton's utility billing system for refuse prior to issuance of a completed building permit. The property owner is responsible for solid waste transportation and disposal fees. On-site trash shall be contained within a structure or in an enclosed, bear-proof container at all times until it is removed to the Transfer Station. Should the current owner or a new owner not have municipal water service in Silverton, the property then shall be placed on the Town's utility billing system for water.
- 15. Acknowledgement:** As with previous improvement permits approved by the County, Applicant will be asked to sign a notarized document acknowledging the conditions of approval for the improvement permit including the stipulation that this cabin is for non-commercial, personal residential use. This action will follow County Commission approval of the Preliminary/Final Plan.
- 16. Building Permit:** Applicant shall obtain a County building permit and pay all associated fees prior to commencing any construction activity. However, applicant may construct the access driveway in accordance with the Use Permit No. 2013-07 prior to issuance of the building permit.

**Attached:**

Preliminary/Final Plan Binder-Ute Chief Lode Improvement Permit Application

**SCENIC QUALITY REPORT**  
**Ute Chief Lode**  
**Prepared By Engineer Mountain, Inc.**

San Juan County regulations state the following:

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

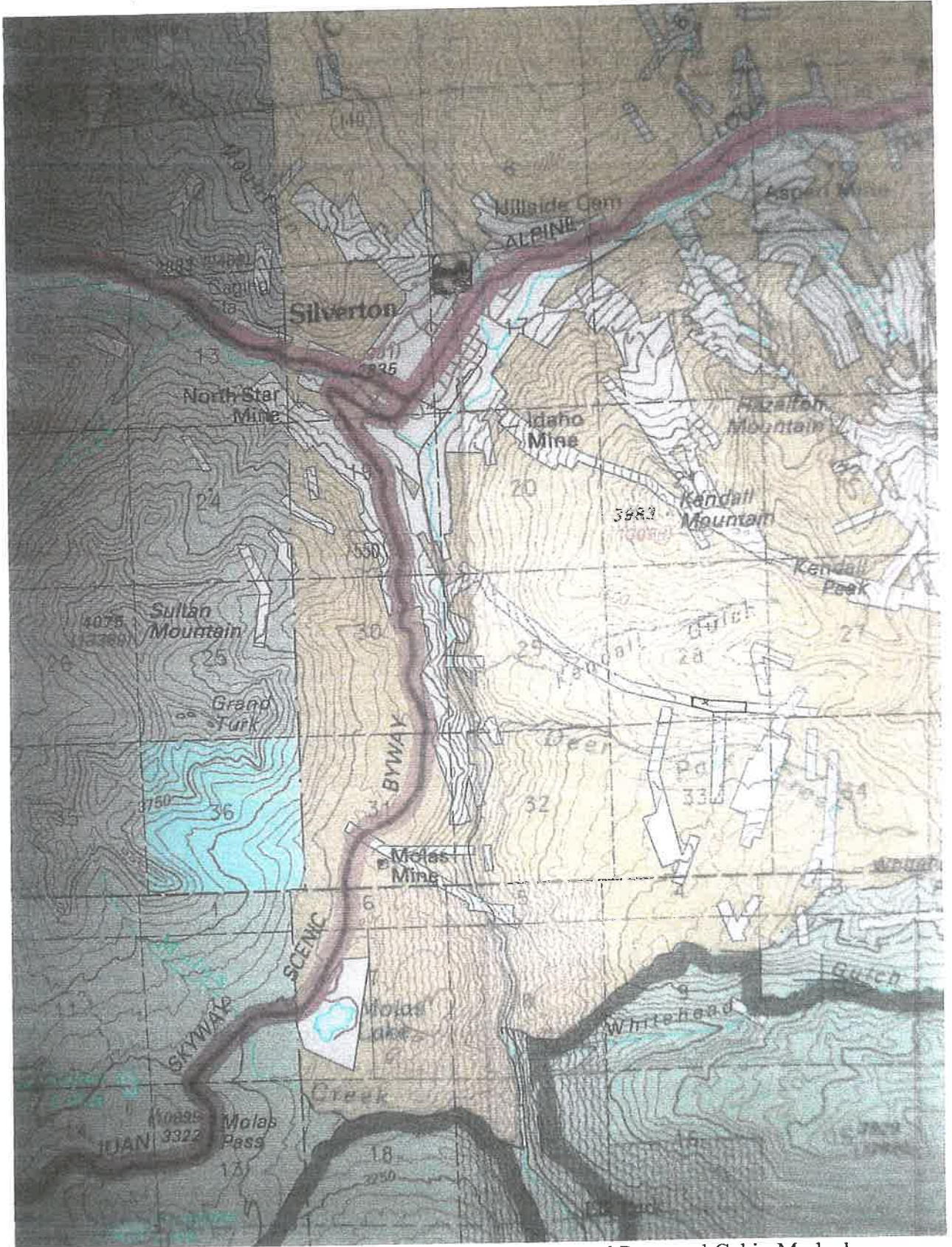
This is a Scenic Quality Report for the Proposed Breed Cabin, located on the Ute Chief Lode USMS No. 18463, prepared by Engineer Mountain, Inc.

The Ute Chief Lode is located approximately three miles from Silverton, accessed by Deer Park Road (County Road 33A). The site is located near Lower Deer Park. There is an existing driveway on Deer Park Road which will be used to access the property.

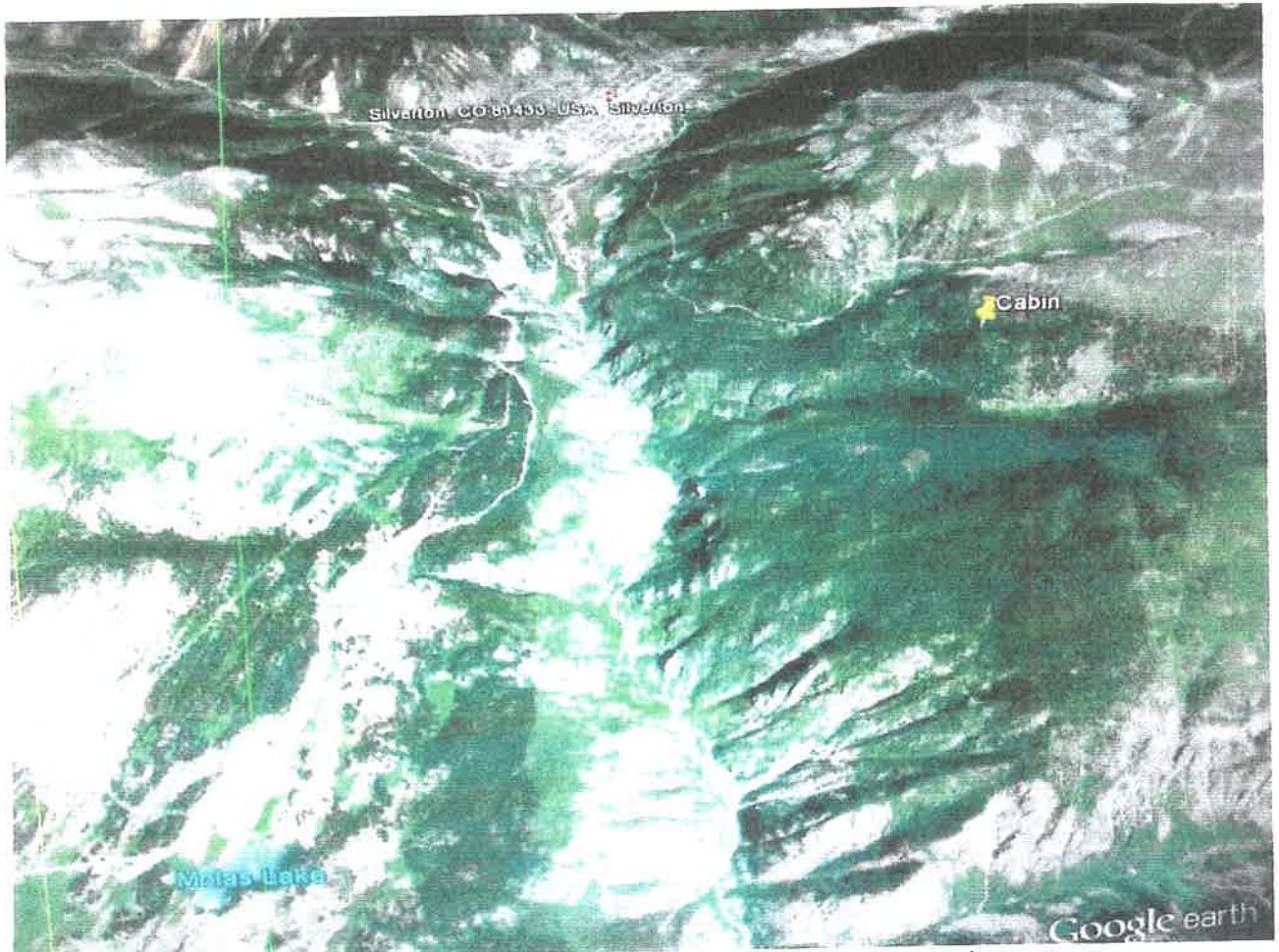
Two photos follow this page:

(1) A photo of a BLM map, showing the general locations of the Ute Chief Lode and proposed cabin.

(2) A photo of a Google Earth image, showing the approximate location of the proposed cabin.



BLM Map with Approximate Locations of Ute Chief Lode and Proposed Cabin Marked



Google Earth Image with Approximate Location of Proposed Cabin Marked.

# SCENIC QUALITY REPORT

## Ute Chief Lode

Prepared By Engineer Mountain, Inc.

The photos on the previous pages show the general location of the Ute Chief Lode and the proposed cabin. The County regulations require that this Scenic Quality Report include the following information:

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

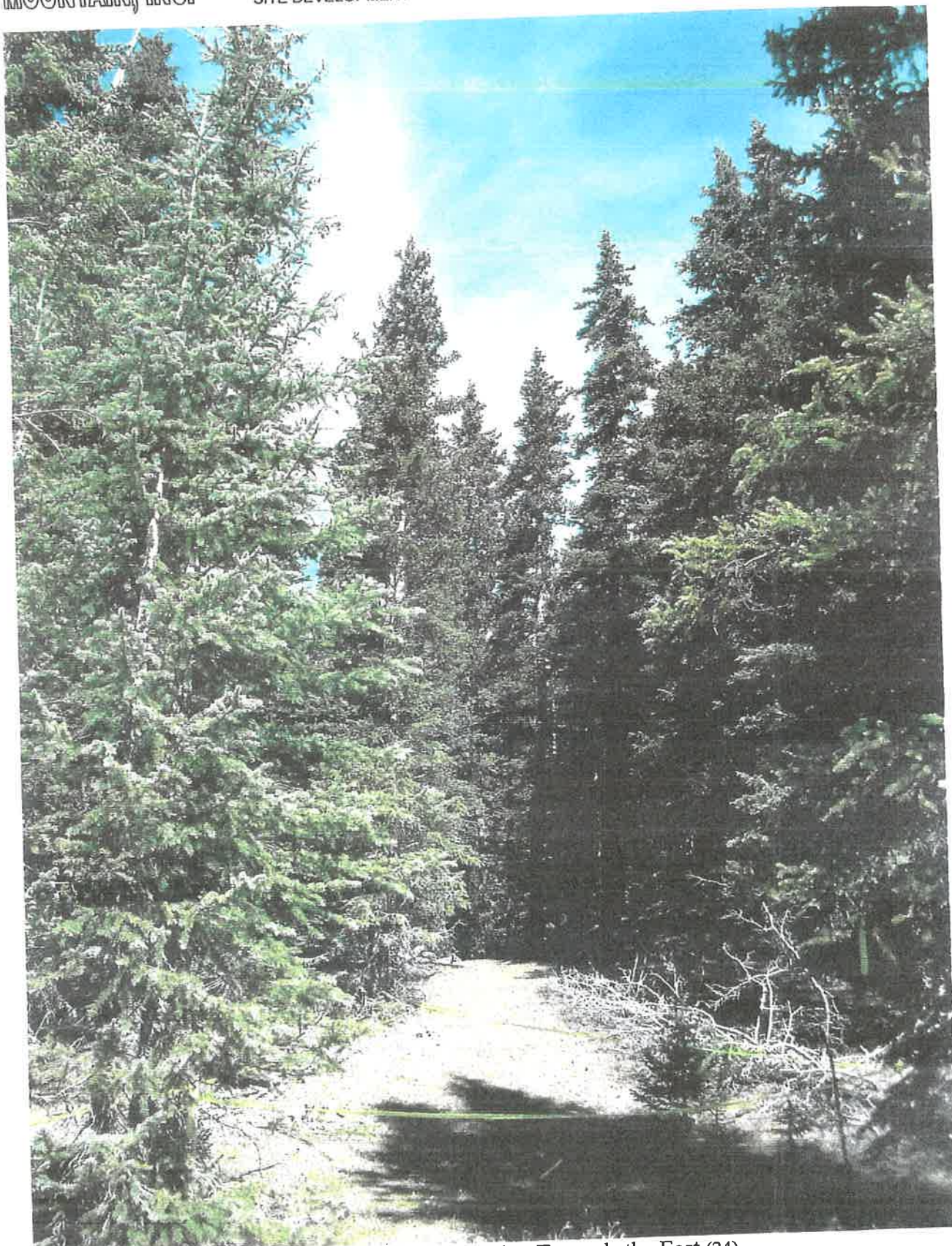
The proposed cabin location was selected by the Applicant. It is moved back into the trees, away from a buildable, clearing/overlook area, which has an expansive view of local mountains. The building site was in part originally chosen by the Project/County Surveyor Earnie Schaaf when he surveyed the property. Earnie Schaaf placed a "building site" survey pin at the clearing overlook area, which he considered at the time to be the best building site on the property. The Applicant has moved the cabin location back from the survey pin and overlook into the trees. This creates much less of a view from the cabin, but also prevents visibility of the cabin from people looking towards the site. Building at the clearing overlook area could have potentially caused some visibility of the cabin, for a person standing on top of one of the local peaks, using binoculars. Placement of the cabin at the location proposed by the Applicant will remove the cabin from what we believe would be any potential pedestrian access viewsheds. The cabin will be located back behind and away from the clearing overlook, located in medium dense, tall, evergreen trees. It is not anticipated that it will be able to be seen from any County Roads or Highway 550.

The four corners of the proposed cabin have been staked, with the cabin perimeter marked with yellow surveyor's flagging tape. The cabin was staked in the field with approximate dimensions of 25 feet by 30 feet (750 square feet). Adjacent to the proposed cabin is a one-story proposed shed. The approximate location of the front wall of the proposed shed was also staked, and marked with blue flagging. The proposed Breed cabin will be in the same location as what was submitted for the previous property owner at this location; however, the proposed conceptual cabin footprint has been increased to 25 feet by 40 feet (a total footprint of 1000 square feet). The proposed shed has been conceptually designed as a maximum of 10 feet by 20 feet (200 square feet).

Photos of the proposed building site, proposed cabin location, proposed shed, and proposed septic system area are included on the following six pages.

**ENGINEER  
MOUNTAIN, INC.**

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



View of Cabin Footprint (Yellow Flagging) Looking Towards the East (24)

P.O. Box 526 - 962 Reese Street - Silverton, Colorado 81433 - phone/fax (970) 387-0500

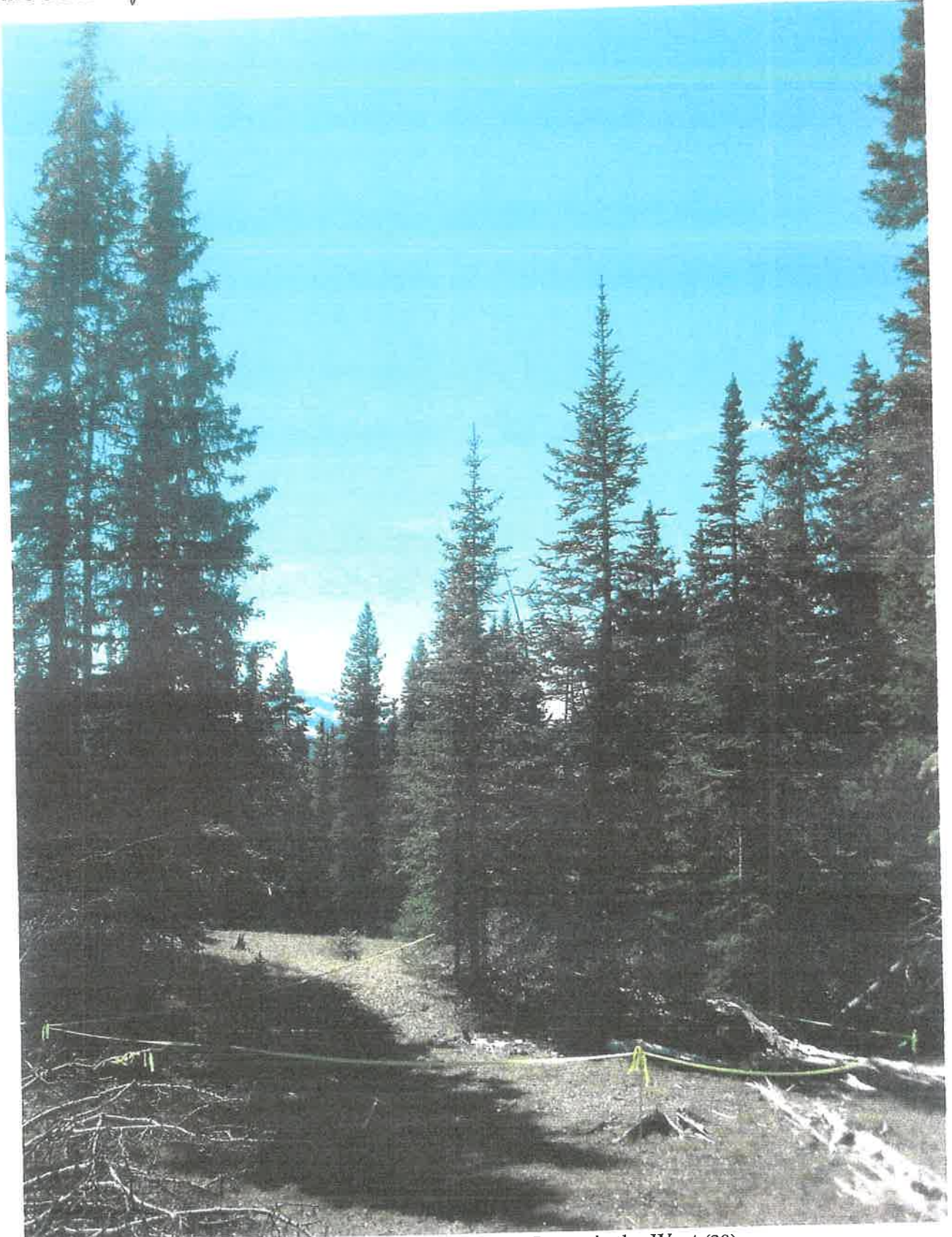


View of Cabin Footprint (Yellow Flagging) Looking Towards the Northeast (25)



View of Cabin Footprint (Yellow Flagging) Looking Towards the North (26)





View of Cabin Footprint (Yellow Flagging) Looking Towards the West (29)



**View of Cabin Footprint (Yellow Flagging) Looking Towards the Northwest (30)**



**View of Cabin Footprint (Yellow Flagging) Looking Towards the Southwest (31)**



View of Cabin Footprint (Yellow Flagging) Looking Towards the South (32)



View of Cabin (Yellow), Shed (Blue), and Survey Pin Looking Towards the East (35)



View of Shed Footprint (Blue Flagging) & Survey Pin Looking Towards the East (36)



View of Septic System Area (Yellow) with Man near Survey Pin in Background, Looking Towards the South (39)

## SCENIC QUALITY REPORT

### Ute Chief Lode

Prepared By Engineer Mountain, Inc.

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

A color photo is included on the following page, showing the view FROM within the staked cabin footprint. The photo was taken in the approximate location of where the front of the cabin will be located. The proposed cabin yellow flagging is visible in the foreground of the picture. The view from the cabin is looking towards the clearing overlook area. The clearing overlook area has an expansive view of local mountains.

County Roads and Highway 550 are not visible from the cabin, as shown in the photo following this page. Therefore, we expect that views of the cabin from local County Roads or Highway 550 would also be unlikely.

Views from the proposed cabin in the other three directions (from the back and sides) are obscured by the existing dense evergreen trees.

On the following page is a color photo of the view from the proposed cabin, looking towards the southwest.



**VIEW FROM PROPOSED CABIN (Yellow Flagging) Towards Survey Pin and Mountains,  
Looking Towards the Southwest (34)**

## SCENIC QUALITY REPORT

### Ute Chief Lode

Prepared By Engineer Mountain, Inc.

This section of the Scenic Quality Report includes information on how the views of and from the site will be preserved, and the proposed mitigation measures used to reduce any impacts the project may have on these views. The County regulations require this information, in order to provide the Planning Commission and Board of County Commissioners with:

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

- The proposed cabin site was selected because it is located within dense trees.
- The proposed cabin location is pushed back into the trees, away from the optimum building location at the clearing overlook area - which would have provided wonderful views from the cabin, but also would have created the potential for public viewing of the cabin from pedestrian-access terrain and peaks.
- The cabin location selected by the Applicant will require minimal tree clearing – only as required for fire protection, according to the Firewise booklet adopted by San Juan County.
- The location and orientation of the cabin and shed have been selected to minimize the possibility of it being viewed from any direction.
- The proposed cabin and shed are located in a nearly-flat area, in order to minimize disturbance of the existing natural terrain.
- Trees within the proposed building envelope are estimated at 20 to 50 feet tall.

Draft floor plans prepared by Residential Engineering and the draft front elevation sketch prepared by Matt Green, EIT of Silverton are included on the following three pages for your review.

STAMP

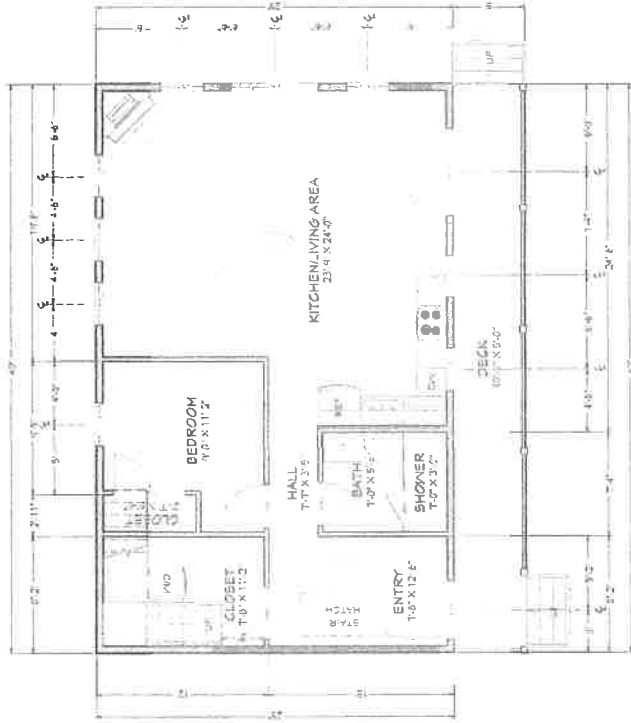
SUBMITTAL  
NOT FOR  
CONSTRUCTION



DAVID BREED  
RESIDENTIAL DESIGN  
FIRST FLOOR PLAN

2112-011.P057  
PROJECT NO:

A1.1  
SHEET NO:



FIRST FLOOR PLAN



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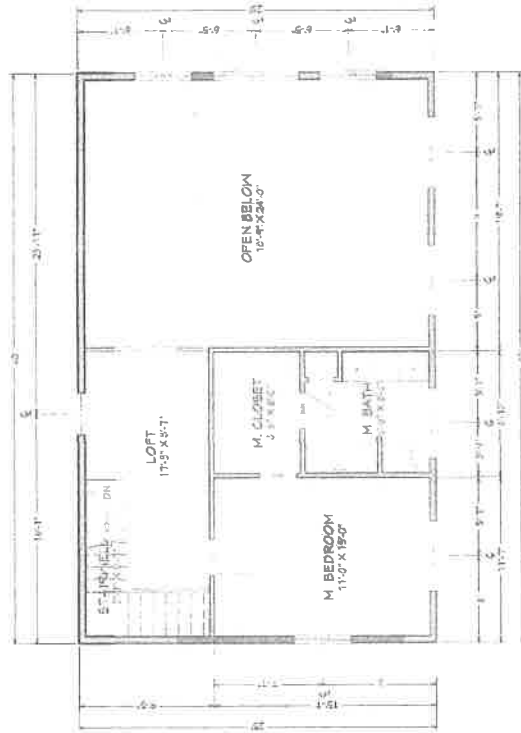
SUBMITTAL  
NOT FOR  
CONSTRUCTION



DAVID BREED  
RESIDENTIAL DESIGN  
SECOND FLOOR PLAN

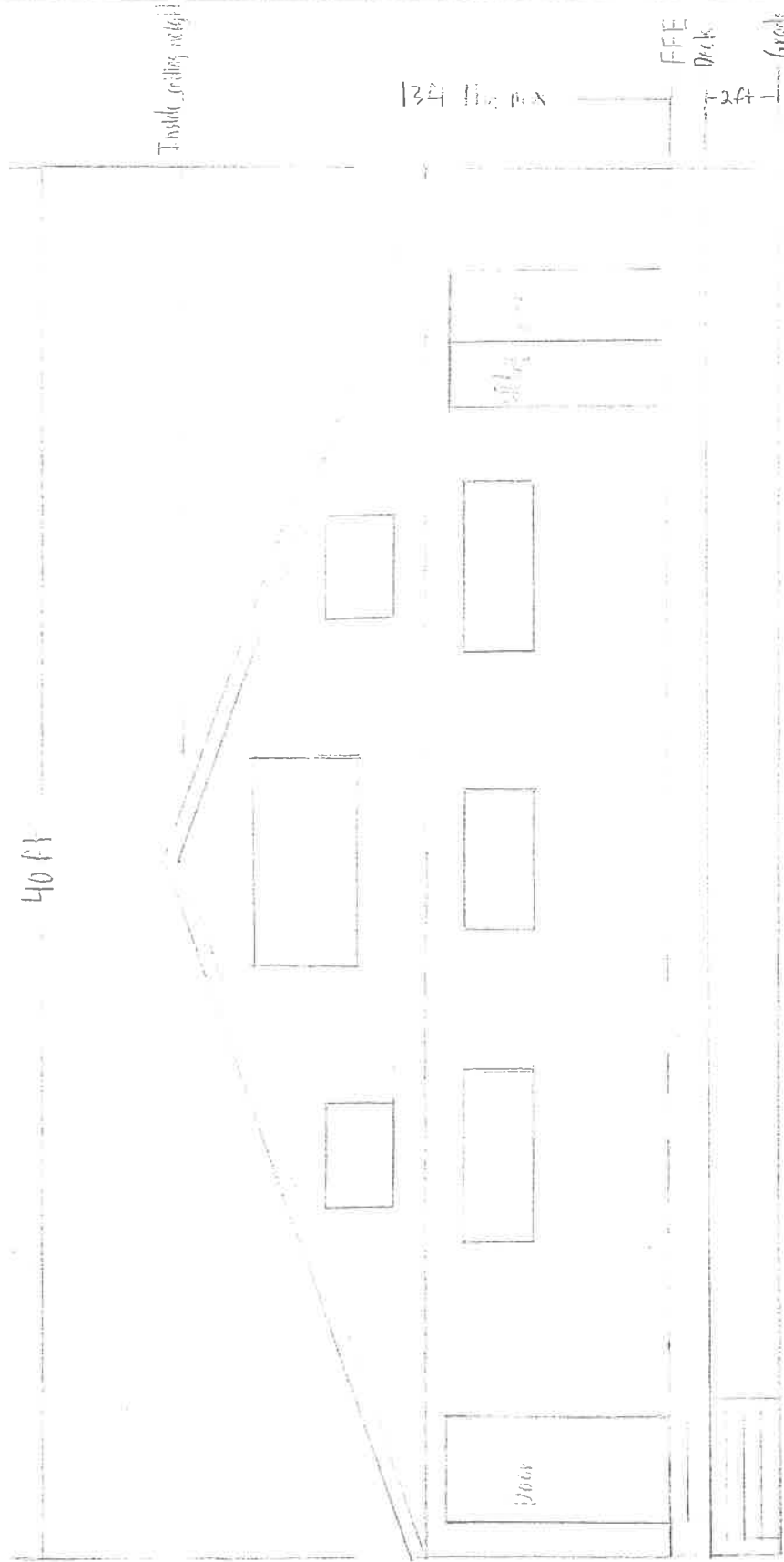
2112-011 P057  
PROJECT NO:

A1.2  
SHEET NO:



SECOND FLOOR PLAN

# Front View of Cabin



NOT FOR CONSTRUCTION

## SCENIC QUALITY REPORT

### Ute Chief Lodge

Prepared By Engineer Mountain, Inc.

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

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

The proposed cabin is being designed as a maximum 1,000 square feet structure with a loft.

We have created a graphic depiction of the approximate size of the cabin on a photo in AutoCAD. The outline of the front wall of the cabin has been drawn onto the front two stakes in the photo in AutoCAD. The stakes were placed approximately 30 feet apart. The height above the existing ground surface to the finished floor elevation was estimated at approximately 30 inches, in order to prevent snow from melting into the cabin.

The AutoCAD drawing - showing a graphic depiction of the proposed cabin's approximate location, orientation, conceptual height, size, and scale - is included on the following page.



- \*SOILS
  - \*RETAINING WALLS
  - \*SEPTICS
  - \*FOUNDATIONS
  - \*GRADING AND DRAINAGE
  - \*CIVIL SITE DEVELOPMENT
- COLORADO 81433  
 engineermountaininc@gmail.com

**ENGINEER MOUNTAIN INC.**  
 formerly MACKIE Engineering  
 P.O. BOX 526, SILVERTON,  
 (970) 7 387-0500

CONCEPTUAL GRAPHIC DEPICTION OF FRONT OF CABIN  
 PROPOSED BREED CABIN, UTE CHIEF LODGE  
 COUNTY ROAD 33A, DEER PARK  
 SAN JUAN COUNTY, COLORADO

DATE: NOVEMBER 13, 2013  
 DRAWN BY: LMA  
 LAYOUT/LMAN: CABINPIC / N/A  
 DWG: 7-113/Scale Photo w Cabin.dwg  
 LAST REVISED: AUGUST 29, 2024

## SCENIC QUALITY REPORT

### Ute Chief Lodge

Prepared By Engineer Mountain, Inc.

The County regulations require that the project should include the following:

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

Any topsoil found during construction of the proposed driveway, cabin, and shed will be carefully stockpiled on-site, to be used for landscaping.

The County regulations require that the project should include the following:

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

The project includes the following proposed utilities: a proposed underground septic system, a proposed underground water tank (cistern), an additional cistern near the cabin or in the shed, and some associated underground buried water and sewer piping. The septic system location was selected based on San Juan County Public Health Department regulations and setbacks. The buried cistern location was selected to allow gravity flow of water to the cabin (eliminating the need for a pump, thereby reducing power usage), and a gravity powered pipe fed from a nearby stream into a cistern. The water and sewer construction will occur with the least amount of disturbance necessary, in order to limit damage to the natural environment. No electric or overhead powerlines are proposed. Power and heat sources are to include solar, propane, a woodstove, a propane boiler (for in-floor heating pipes with wood backup), and a backup generator, and these items are not anticipated to cause physical damage to the natural environment.

The County regulations require that the project should include the following:

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

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

## SCENIC QUALITY REPORT

### Ute Chief Lode

Prepared By Engineer Mountain, Inc.

The 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.*

The driveway for this project was approved in 2014 and constructed in 2014 or 2015. No driveway improvements are proposed at this time, unless required by the County.

The existing driveway was designed to permit vehicular access while minimizing ground disturbance. It starts on the Broadway Lode, where Brant Heidlebaugh of Silverton had a driveway built on County Road 33A (Deer Park Road). The Broadway Lode is now owned by Michele and Garrick Dooley. The existing driveway then crosses the Moqui Chief Lode, owned by Bruce Conrad and Sharon Lantz of Silverton. The driveway then enters the Ute Chief Lode and provides access to the proposed Breed cabin building envelope.

The driveway was constructed to minimize disturbance and environmental impacts. Please refer to the 2013 Land Use Permit and driveway plans included in this submittal for additional information.

## SCENIC QUALITY REPORT

### Ute Chief Lode

Prepared By Engineer Mountain, Inc.

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

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

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

- Squared wooden logs with a natural-colored brown stain/treatment
- Non-reflective brown propanel roofing.

Color photos of the proposed conceptual building materials are included on the following page.

**SCENIC QUALITY REPORT**  
**Ute Chief Lode**  
**Prepared By Engineer Mountain, Inc.**



Example of brown propanel roofing.  
Image credit: The Home Depot



Example of Squared log cabin siding.  
Image Credit: Log Houses of America, Inc.



Example of Squared log cabin siding with white chinking.  
Image Credit: logcabinsforless.com



## **SCENIC QUALITY REPORT**

### **Ute Chief Lode**

**Prepared By Engineer Mountain, Inc.**

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

- The building site location was selected based on the dense, tall tree cover, which will shield view of the cabin from surrounding viewpoints.
- The orientation and design of the proposed structures works with the natural terrain of the property, and not against it.
- The optimum building site (at the clearing overlook area with expansive views) was not selected, because it could have potentially caused the cabin to be visible from some nearby pedestrian access terrain.
- The driveway alignment had been constructed along the natural contour to limit grading and any unnecessary tree clearing.
- The colors and textures of the materials selected for the cabin and shed (brown wood and brown propanel roofing) blend in with the colors of the natural surroundings.
- It is expected that viewing this cabin from any County Roads, Highway 550, and even local pedestrian-access terrain/peaks will be difficult to impossible – because of the cabin location selected by the Applicant, moved back into the trees, away from the optimum building site with views.

Thank you for your consideration and review of this project, for the proposed Breed Cabin on the Ute Chief Lode. If you would like additional information, please contact Engineer Mountain, Inc. at (970) 387-0500, or Applicant David Breed at (603) 738-7161.

## MEMORANDUM

September 17, 2024

TO: San Juan Regional Planning Commission

FR: William A. Tookey

RE: GW Lode MS 1132

Travis Mohrman has submitted an Improvement Permit Application for the development of a 20' X 8' 160 sq. ft. storage shed to be located on the GW Lode MS 1132. The property is located near Ophir Pass and will be accessed via a trail from Country Road 8.

The property is currently owned by Travis Mohrman and the taxes are current.

The property is located within the **Mountain Zoning District** and meets the minimum lot area of 5 acres.

This application would amend the Improvement Permit previously approved for Mr. Robert D. Kingsley (Opus Hut) for the construction of a timber frame cabin, improvements to the existing trail and an accessory structure.

The elevation of the property is 11,750 ft. 4-110.20 Square Footage Limitations states that All residential development located at or above 11,000 feet and below the alpine/tundra zone shall be limited to a maximum floor area of up to one thousand (1,000) square feet. A single-story, detached accessory building, no greater than 200 square feet would be allowed.

The current cabin is 2200 sq. ft. with an 800 sq. ft. footprint and an additional 400 sq. ft. with 200 sq. ft. footprint is attached. Also on site is a 150 sq. ft sauna. The current total square footage is 2750 sq. ft.

I believe any additional construction would not be in compliance with the current land use regulations. As such a variance to Section 4-110.20 Square Footage Limitations of the Zoning and Land Use Regulations would be required. Section 13-104 allows for variances to be granted by the Board of County Commissioners after completion of review by the Planning Commission and County Commissioners.

The Planning Commission has the option to recommend approval as submitted, approval with conditions or denial of this application to amend the current Improvement Permit.


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 receives a variance to Section 4-110.20 Square Footage Limitations.
2. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

3. All improvements to the GW 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.
4. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.
5. 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.
6. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.
7. That a 24" X 36" Plat showing the location of the current improvements and proposed shed be provided by a Colorado Licensed Surveyor.
8. That story poles are constructed on site to show the location and maximum height of the proposed shed.
9. That the Land Use Administrator visits the site after the proposed improvements have been identified and staked on site and story poles have been installed but prior to the submittal of the Preliminary/Final Application.
10. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
11. That the applicant acknowledges that this is an amendment to the currently approved Improvement Permit and that all such approvals, restrictions and conditions will remain valid.
12. Any other conditions that the Planning Commission deems necessary.

Should the Planning Commission choose to deny they should do so on the basis that the square footage of the additional shed exceeds the square footage limitations for development above 11,000 feet in elevation.

Application for Improvement Permit

		APPROVAL CHECKLIST		Initial	Date		
Applicant	Name	Treviis Mohrman					
	Address	225 E Sempino Dr					
		Kelloude CO 81435	696- Phone				
Owner	Name	853-3770					
	Address	SAME					
		Phone					
Lessor	Name	SAME					
	Address	SAME					
		Phone					
Legal Description of Property:		Road System Relationship					
GW LOPE Mining Claim United States Survey No. 1132 Animas Mining District San Juan County, Colorado AKA 3660 county road & Silverton CO Township N, Range W, Section		Zoning Compatibility					
		State Mining Permit					
		Owner Notification					
		Avalanche Hazard					
		Geologic Hazard					
		Floodplain Hazard					
		Wildfire Hazard					
		Mineral Resource Impact					
		Nature of Improvement Planned:		Wildlife Impact			
		20' x 8' Storage Shed behind <del>and</del> existing buildings. Northside of current 10' x 20' buildings		Historic Site Impact			
Watershed Gearance							
County Building Inspector							
Building Permit							
Land Use Zone: Mountain Zoning		State Electrical Inspector					
Applicant Signature		Electrical Permit					
		San Juan Basin Health Unit					
		Sewage Disposal: Test					
Date Application Requested		Design					
08 30 2014		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							
Application							
Building Permit							
Subdivision/PT D		Subdivision Variance					
Hearing Notice		Subdivision Approval					
		PT D Approval					

SAN JUAN COUNTY

SUPPLEMENT TO APPLICATION FOR IMPROVEMENT AND LAND USE PERMITS

(Attach additional sheets as necessary)

County Land Use Regulations, the County Master Plan and relevant forms may be found on the County website: <http://www.sanjuancountycolorado.us/planning>

**NOTE: THIS CHECK LIST HAS BEEN PREPARED TO MAKE IT EASIER FOR APPLICANTS FOR LAND USE PERMITS TO DETERMINE WHAT IS REQUIRED BY SAN JUAN COUNTY FOR LAND USE APPROVAL. IF YOU DON'T THINK YOU CAN COMPLETE IT, CONSIDER HIRING A PROFESSIONAL TO ASSIST YOU. SEVERAL PROFESSIONALS ARE AVAILABLE IN SILVERTON OR ELSEWHERE WHO ARE FAMILIAR WITH THE COUNTY LAND USE CODE AND MIGHT BE ABLE TO ASSIST YOU IN COMPLETING YOUR APPLICATION. THE COUNTY PLANNER CANNOT COMPLETE THIS CHECK LIST FOR YOU!**

See Section 3-102 for a preliminary list of information required for all improvement and use permit applications.

**NOTE: NO LAND USE OR IMPROVEMENT PERMIT APPLICATION WILL BE REVIEWED BY THE SAN JUAN COUNTY PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS UNTIL THE LAND USE ADMINSTRATOR HAS CERTIFIED THAT THE APPLICATION IS COMPLETE AND CONTAINS ALL REQUIRED INFORMATION.**

1. A. Names/Addresses/telephone numbers/email addresses of all Owners of any interest in Property and a description of their interest (fractional ownership, mineral interests, easements, etc.)

Travis Mohrman - 100%  
225 E Scarpio Dr Telluride CO 81435  
646 453 3730 ~~travis~~ tmohrman@gmail.com

B. Property Description/location/size (3-102.3): 3660 County Road 8  
Silverton, CO. Approx 10 Acres

- Proof of ownership or consent of all owners of any interest in the land (3-102.2)?  Y  N
- Proof of legal and adequate access for maximum use of proposed development and provision of emergency services consistent with the proposed use? (3-102.2, 3-102.12, 3-102.13, 4-103.3(f))  Y  N
- federal access permit if access is across federal land (3-102.13, 4-103.3(f)(ii))

Easement if access is across private property owned by others (4-103.3(f)(ii))

County driveway permit if access is from adjacent County road or if access requires new intersection with or change to any County road (3-102.12)

State driveway permit if access is from adjacent State highway (3-102.12)

Road Use and Maintenance Agreement if multiple properties accessed from a private road (3-1-2.13, 4-103.3(f)(ii))

How does the applicant propose to get to and from the state highway system?

C. What is the proposed improvement or use? Storage Shed Approx 20' x 25'

D. Name and contact info for any contractor who will be working on the project.

Self Build by owner

E. Are there any existing structures or other improvements on the Property?  Y  N  
If yes, describe them in detail including nature or type of improvement, location, etc. and provide photographs of all such improvements. Main Building is on

3 story hut. Approx 4600 sqft Footprint 2200 sqft. Attached 2 story building 200 sqft Footprint. 400 sqft

F. Are there any historic structures, sites or artifacts known on the property?  Y  N  
If so, describe them in detail including nature or type, location, etc. and provide photographs of all such structures, sites and known artifacts. 150 sqft SAUNA.

G. Are all property taxes assessed against the property fully paid up (2-105.5, 3-102.18)  
 Y  N If the Answer is NO, the application cannot be processed until all taxes are fully paid.

2. Applicable Land Use Zone: Mountain 1 : elevation of property? 11,750

A. Is the proposed use consistent with the intent of the applicable zone as stated in the Code (see section 1-106.1 for statement of intent for each zone)?  Y  N

B. Is proposed development consistent with applicable zone regulations re density, minimum parcel size, setbacks (see 1-113)?  Y  N

C. If the proposed use is in the Mountain Zone (see 1-106.1):

- Does the proposed use adversely affect natural and scenic environment? If so, how? Shed is proposed to be behind existing structure, directly to the north. No additional visual impact.

- 
- Is the proposed use consistent with seasonal access? ~~Y~~ N
  - Is it within the alpine tundra ecosystem (see 1-107.1)? Y ~~N~~ N Note: Residential development is prohibited within any alpine tundra ecosystem.
  - Is the applicant or any related person or entity the owner of any existing residence in the Mountain Zone? Y ~~N~~ N If so, what existing property?
- 

Note: Under 1-107.1, if an applicant has an existing residential property in the Mountain Zone, any land use application cannot be processed as a use subject to review but must be reviewed using the criteria of the subdivision regulations in Chapter 7.

D. If the proposed development is at or above 11,000 feet elevation, does it meet the limitations on square footage (4-110.20)?

E. Is the proposed use a vacation rental? Y N If so, is it permitted under and consistent with the vacation rental regulations (4-110.21)?

F. Is the proposed development a subdivision? Y ~~N~~ N If so, see Chapter 7 of the Code for additional requirements.

3. Are any Overlay Zones applicable? (check all applicable)

Scenic preservation – is property within 1500 ft of  SNGRR?  Hwy 550?  
 Alpine Loop? (1-107.4, 1-114)

Mineral (see 1-107.5) – is property located within Sections 10, 13, 14, 15, 16, 17, 22  
 25 of T 41 N, R 7 W? (1-116.1)

Watershed Protection? (1-107.6)

Town – County Mutual Interest (1-107.7) – is property ever likely to be connected to  
 Town services or annexed into Town? (1-107.7, 1-117)

Does the property likely cross a county line or is access from another County?

4. Master Plan Compliance (4-103.3):

A. What provisions of Master Plan apply to area or to proposed use/development?

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B. Is the proposed development consistent with applicable Master Plan provisions? List applicable sections and explain how proposed development/use is consistent with those provisions?

5. Is County review of the application likely to cost the County more than the base review fee (see 2-104.1)?  Y  N If so, what additional services is the County likely to require in connection with its review of the application? \_\_\_\_\_

6. How many properties/parcels/claims are located within a relevant area for determination of cumulative impacts under (4-103.1 and .2))? \_\_\_\_\_ Describe the area deemed to be relevant and the basis for that determination \_\_\_\_\_

- A. How many other parcels are accessed via same road? \_\_\_\_\_
- B. How many other parcels are located within the same drainage basin or other relevant area and might be affected by drainage from the property? \_\_\_\_\_
- C. How many other parcels are located within the same air shed? \_\_\_\_\_
- D. Are any other parcels likely to obtain water from any underground source which is interconnected with any underground water source which is proposed to be tapped for water for use on the property? If so, how many? \_\_\_\_\_

7. Do any natural hazards pose a risk on the property or with regard to any access to the property? (check as applicable)

- Avalanche Hazard (Chapter 8)
- Geologic Hazard (Chapter 9)
- Floodplain Hazard (Chapter 10)
- Wildfire Hazard (Chapter 11)

Explain the nature of the natural hazards which may pose a risk in connection with the proposed development and how the applicant proposes to minimize or avoid such risks.

Proposed development is unoccupied storage space immediately adjacent to existing, approved structure.

8. Historic Impact Review (3-105) Might the proposed development have any impact on historic sites or assets located either on or off the property? (4-103.3(e)) If so, identify the historic sites



or assets which might be affected and explain how they might be affected and how the applicant proposes to avoid such effects. \_\_\_\_\_

9. Potential Health Impacts – Might the proposed use (when considered cumulatively with existing or potential development on all other properties within the relevant area – see number listed in 6 and in 6(a – d)above ) have any adverse impact on health of humans, wildlife or natural habitat or on environmental quality? (3-106, 4-103.3(a) and (e))

Y  N Wildlife

Y  N Dust, smoke, fumes, contaminants or air pollution

Y  N Noise

Y  N Water pollution

Y  N Adverse affect on quality of water for human consumption? (1-115.3)

Y  N Soil contamination, erosion, etc.

Y  N Hazardous materials/substances

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_

10. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see number listed in 6(a) above) have any adverse impacts on County roads? (3-107)  Y  N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_

11. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on other property? (4-103.3(d))  Y  N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_

12. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on scenic values? (4-103.3(e)) [ ] Y  N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on wildlife (habitat, food sources, migration, hunting, etc.)? (4-103.3(e)) [ ] Y  N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on erosion or other natural condition? (4-103.3(e)) [ ] Y  N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Are Skyline Regulations (3-102.7, 4-110.18) applicable? [ ] Y  N If yes, has the Applicant demonstrated compliance with Skyline regulations? [ ] Y [ ] N

[ ] Photos of existing property conditions (3-102.7(a))

[ ] Representations of proposed development against skyline (3-102.7(b))

Story poles (if necessary) (3-102.7(c))

16. Has the applicant provided a Scenic Quality Report (4-110.19)?  Y  N

16. Has Applicant provided proof of availability of adequate source of potable water for maximum potential use of proposed development, fire fighting and other purposes (3-102.8, 4-103.3(b))

Deeded water right

Central water system

Well permit

Water storage system

17. Has Applicant provided proof of adequate sewage disposal for maximum use of proposed development (3-102.10, 4-1-3.3(c))  Y  N

Central sewer system  existing or  new

Individual septic system permit

18. Has the Applicant provided proof of adequate utilities for maximum use of proposed development (4-103.3(g))?  Y  N

a. electric  SMPA service commitment

other \_\_\_\_\_

b. telephone communications  land line service commitment

cell phone service available

satellite phone service available

other

19. A. What emergency services might be required by the proposed development or its potential uses?

Fire

EMS

Law Enforcement

Mountain or back country rescue

Other \_\_\_\_\_

B. What are probable response times for any indicated emergency services?

Fire \_\_\_\_\_

EMS \_\_\_\_\_

Law Enforcement \_\_\_\_\_

Mountain or back country rescue \_\_\_\_\_

Other \_\_\_\_\_

C. Has the Applicant provided proof of availability of each emergency service which might be required for the proposed use (unless deemed unnecessary) (4-103.3(h))?  
Explain how Applicant proposes to secure each emergency service which may be required by or in connection with the proposed development or its use?

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D. If any emergency service listed is deemed unnecessary, explain why it is unnecessary? \_\_\_\_\_

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20. Is Expert Assistance required for any portion of the County's review? If so, in what area and for what purpose?

21. Are any special permit conditions needed to:

- a. Protect of health, safety or welfare of general public? (2-110.1)
- b. Protect of persons or property? (2-110.1)
- c. Protect of historic assets? (1-114.3, 2-110.1)
- d. Protect of scenic views and vistas? (1-114.2, 1-115.1, 1-116.4, 2-110.1)
- e. Protect cultural assets? (2-110.1)
- f. Protect against natural hazards? (2-110.2 and .3)
- g. Protect environmental assets? (1-114.2, 1-115.1 1-116.4)
- h. Address soils, slopes, geologic hazards? (1-114.4, 1-115.2, 1-116.5)
- i. Adequately address access incl. roads, drives, parking? (1-114.5, 1-116.6)
- j. Protect water purity? (1-115.1)
- k. Preserve access to mineral development? (1-116.3)



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**STATEMENT OF AUTHORITY FOR  
THE OPUS HUT LLC  
A COLORADO LIMITED LIABILITY COMPANY  
(Section 38-30-172, C.R.S.)**

1. The name of the entity for which this Statement of Authority is being executed and provided is "The Opus Hut LLC, a Colorado limited liability company" ("**Company**"). Company is a limited liability company formed under the laws of the state of Colorado. Company has been qualified to conduct business in the State of Colorado by filing its Articles of Organization with the Secretary of State on November 30, 2016 and was assigned the document number 20221855780.
2. Company is authorized and empowered to undertake all powers and authority duly authorized to be undertaken by the Company consistent with its organizational documents ("**Company Organizational Documents**") and applicable law ("**Company Powers**"). The Company Powers shall be exercised by or under the authority of, and the business and affairs of Company shall be managed under the direction of the Manager.
3. The current "**Manager**" of Company is: Travis Mohrman, Manager.
4. Manager is hereby authorized, empowered and directed, in the name of and on behalf of the Company, to do and perform, or cause to be done or performed, any and all such acts, deeds and things, to obtain all permits, authorizations, orders, consents and approvals, to make any required filings, and to make, execute and deliver, or cause to be made, executed and delivered, the Company Organizational Documents as well as any such agreements, undertakings, documents, instruments and certificates as a Manager may deem in good faith to be necessary or proper in order to consummate the acquisition, use, leasing or disposal of any real, personal or intellectual property currently owned or subsequently acquired by the Company ("**Company Property**"). It is further acknowledged that any and all such actions previously undertaken by the Manager and/or Company, if any, including the execution and delivery of the Company Organizational Documents and any contracts or other documents concerning the Company Property is hereby approved, ratified and confirmed.
5. The Company is authorized to procure financing for the Company and may pledge any or all of the Company Property as collateral for any such loan.
6. The Manager is authorized to establish bank accounts in the name of the Company for the deposit of monies received on behalf of the Company (without commingling with any non-Company funds) and to disburse all funds on deposit on behalf of the Company in amounts and at times as required in connection with the business of the Company.
7. The Manager is authorized and empowered to execute and deliver any and all documents and instruments necessary and appropriate to undertake and exercise the Company Powers, including with respect to the Company Property. Any person dealing with Company may rely on the authority of the Manager or any other duly designated Authorized Agent of Company in taking any action in the name of Company.
8. The Manager may delegate his authority to act to any duly authorized agent for Company and empower such Authorized Agent to act for and on behalf of Company until such time as such designation may be revoked by the Manager. Any person dealing with Company may rely on the authority of any Authorized Agent in taking any action in the name of Company.
9. The authority of the foregoing person(s) to bind the Company is not limited or otherwise restricted, and all documents to be executed on behalf of the Company that shall bind the Company to any such document or instrument shall be duly executed by the Manager.

**Approval of Deed, Bill of Sale and Tenancy**

The undersigned **THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY** Buyer(s) hereby acknowledge that they intend to take title to the following described property:

**GW LODE MINING CLAIM, UNITED STATES SURVEY NO. 1132, ANIMAS MINING DISTRICT, SAN JUAN COUNTY, COLORADO.**

As  Joint Tenants  Tenants In Common  Other IN SEVERALTY

Whose mailing address is: **225 E Seraplo Dr, Telluride, CO 81435**

They have reviewed the **GENERAL WARRANTY DEED** and **Bill of Sale** dated **November 22nd, 2022** from **ROBERT D. KINGSLEY** to **THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY** and by their signature hereto approve the deed and confirm that it correctly reflects the choice of tenancy, if applicable.

Date: **November 22, 2022**

**THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY**

By:   
**TRAVIS MOHRMAN, MANAGER**



11/19/2022  
Page 1 of 2  
SAN JUAN COUNTY - COLORADO  
JARAMILLO RECORDS  
2022-2022 11/19/2022 Record 19 Fee \$12.00



State Documentary Fee  
Date: November 22, 2022  
\$155.00

**General Warranty Deed**  
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **ROBERT D. KINGSLEY**, whose street address is **PO BOX 833, OPHIR, CO 81426**, City or Town of **OPHIR**, County of **San Miguel** and State of **Colorado**, for the consideration of **(\$1,550,000.00) \*\*\*One Million Five Hundred Fifty Thousand and 00/100\*\*\*** dollars, in hand paid, hereby sell(s) and convey(s) to **THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **225 E Seraplo Dr, Telluride, CO 81435**, City or Town of **Telluride**, County of **San Miguel** and State of **Colorado**, the following real property in the County of **San Juan** and State of **Colorado**, to wit:

**GW LODE MINING CLAIM, UNITED STATES SURVEY NO. 1132, ANIMAS MINING DISTRICT, SAN JUAN COUNTY, COLORADO.**

also known by street and number as: **3660 COUNTY ROAD 8, SILVERTON, CO 81433**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of 11/19/2022

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: **THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**225 E Seraplo Dr, Telluride, CO 81435**





Warranty Deed with Statutory Exceptions

SIGNATURE PAGE

*ROBERT D. KINGSLEY*  
ROBERT D. KINGSLEY

State of Texas )  
County of Harris )ss.  
)

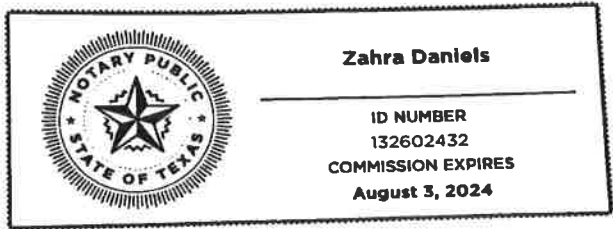
The foregoing instrument was acknowledged before me on this day of 11/19/2022 by ROBERT D. KINGSLEY

Witness my hand and official seal

My Commission expires: 08/03/2024

*Zahra Daniels* Zahra Daniels  
Notary Public, State of Texas  
Notary Public

Notarized online using audio-video communication



**Quit Claim Deed**

(Pursuant to 38-30-118 C.R.S.)

THIS DEED, made on November 22, 2022 by ROBERT D. KINGSLEY Grantor(s) of the County of San Miguel and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), as Entity, whose street address is 225 E Seraplo Dr, Telluride, CO 81435 County of San Miguel, State of Colorado, the following legally described water rights:

**CONVEYED WITHOUT WARRANTY OF TITLE ARE ALL WATER AND WATER RIGHTS, DITCH AND DITCH RIGHTS INCLUDING SPRINGS, WELLS AND WELL PERMITS.**

Appurtenant to:

**GW LODGE MINING CLAIM, UNITED STATES SURVEY NO. 1132, ANIMAS MINING DISTRICT, SAN JUAN COUNTY, COLORADO.**

also known by street and number as 3660 COUNTY ROAD 8, SILVERTON, CO 81433

(SEE ATTACHED "SIGNATURE PAGE")

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When recorded return to: **THE OPUS HUT LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**225 E Seraplo Dr, Telluride, CO 81435**



Water Quit Claim Deed

SIGNATURE PAGE

*ROBERT D. KINGSLEY*  
ROBERT D. KINGSLEY

State of Texas )  
County of Harris )ss.  
)

The foregoing instrument was acknowledged before me on this day of 11/19/2022 by **ROBERT D. KINGSLEY**

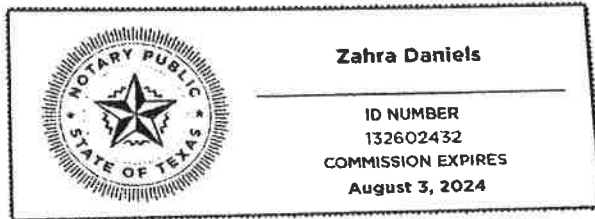
Witness my hand and official seal

My Commission expires: 08/03/2024

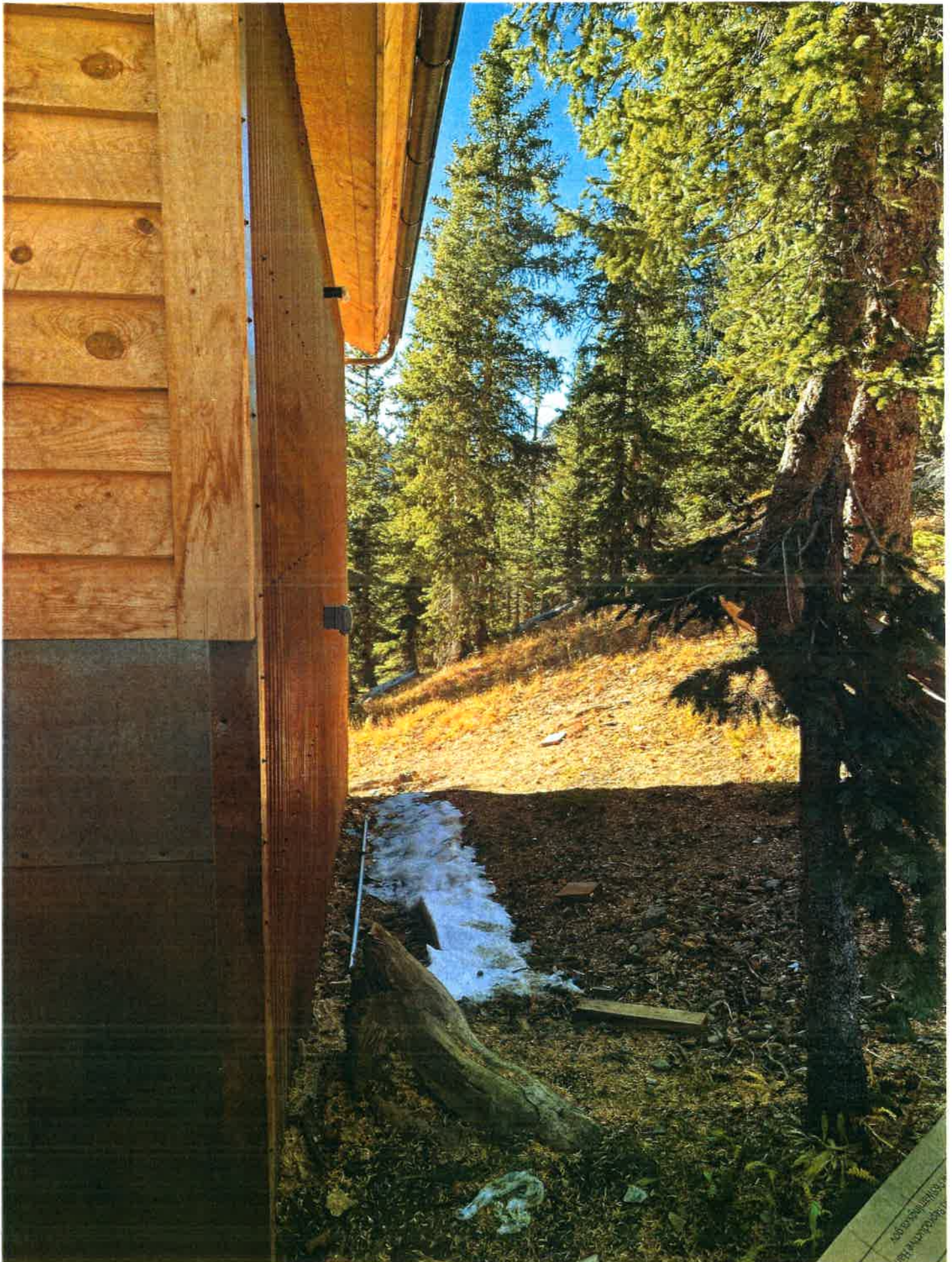
*Zahra Daniels*  
Notary Public

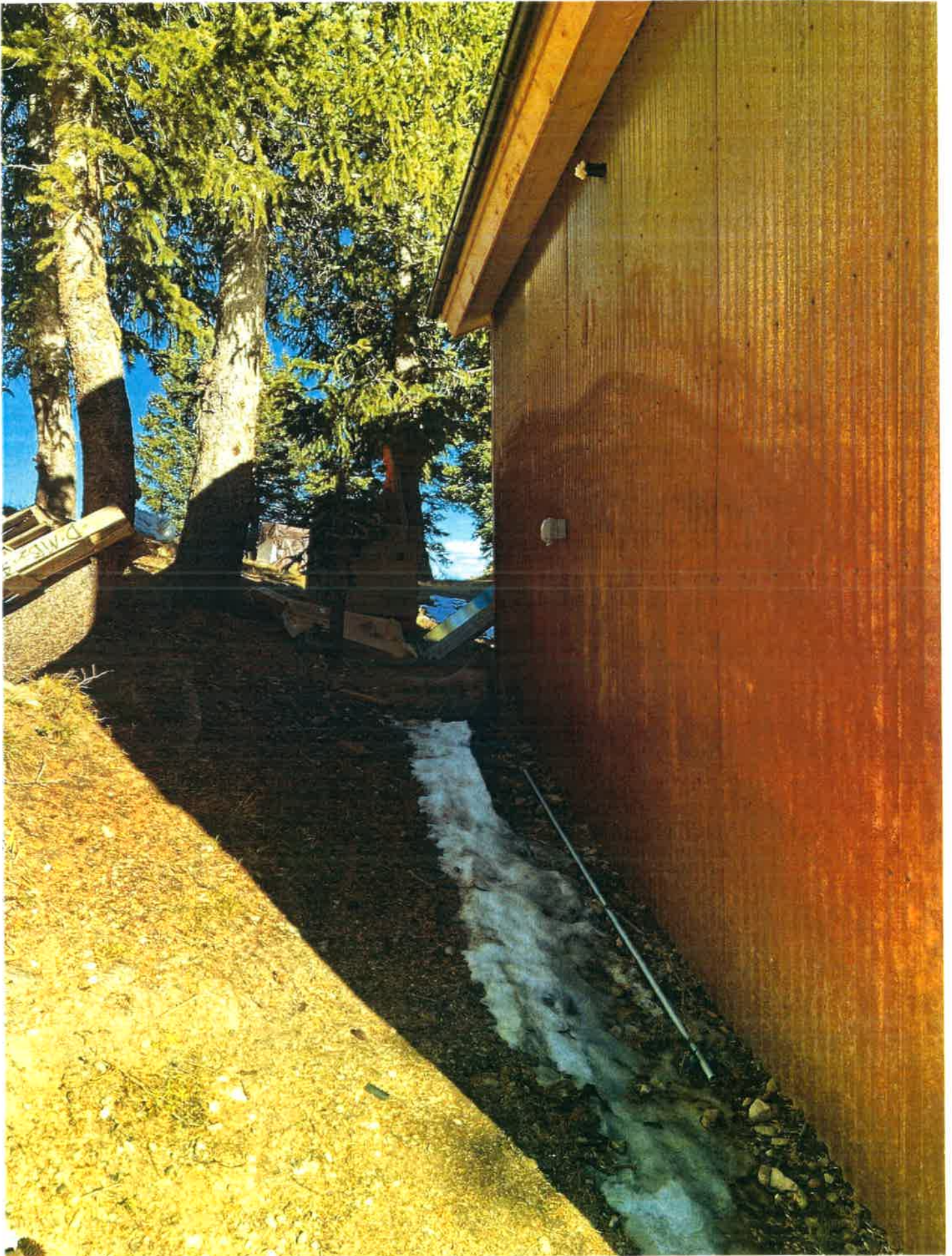
Zahra Daniels  
Notary Public, State of Texas

Notarized online using audio-video communication

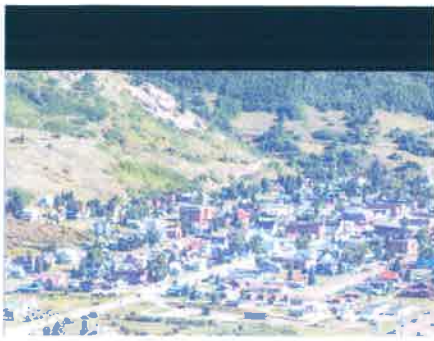












## General Overview

The Town of Silvertown is updating its dated Land Use Code (LUC). The LUC is the set of regulations that guide how development should occur in the community. It is also one of the primary tools used to implement strategies and action items from the Compass Master Plan. The project is being managed by a team comprised of the Town Administrator, Town staff from the Planning Department and Community Planning Strategies (CPS), and support from the consultant team from Clarion Associates and Urban Rural Continuum (URC).

### The key goals of the project are to:

- Update the Town's regulations to better reflect and align with the vision for the future of the Silvertown community established in the Compass Master Plan;
- Create more predictable development outcomes by simplifying and clarifying development standards and procedures;
- Consolidate multiple chapters of the Silvertown Municipal Code (Chapter 15, Annexation; Chapter 16, Zoning; and Chapter 17, Subdivision) to establish a more clear and consistent structure; and
- Make the LUC more user-friendly and easier to understand.

## Project Timeline



**?** **What is zoning?** Zoning establishes the legal framework for what can be built, what types of buildings can be constructed, and what types of businesses and activities can happen on a property in Silvertown. Zoning promotes the responsible and sustainable development and redevelopment of the land within the Town in accordance with long-range planning efforts.

**?** **What is subdivision?** Subdivision is the division of land into two or more lots. Subdivision standards guide future growth and development in the town, ensure that the necessary services and facilities are available, and mitigate potential effects of natural hazards and other site conditions.

**?** **What kind of regulations are included in the LUC?** The Land Use Code includes regulations related to three general topics: zoning districts and uses, development standards, and administration and procedures. These topics are described in more detail on the back side of this page.





# SILVERTON LAND USE CODE

*Moving the Compass Plan into Action*



## How to Read the Land Use Code

### Curious about...

### Find it in..



The basic rules for how tall, how big, and how dense a development can be?

**Article 2:** Zoning Districts  
Reference Summary of Zoning District Dimensional Standards in Section 15-2-50(a)



What uses are permitted on the property?

**Article 3** Use Standards



The information about how a development should look?

**Article 6** Development Standards  
**Article 7** Signs



Design of new subdivisions?

**Article 4** Subdivision Design and Improvement



How the City protects environmentally sensitive areas?

**Article 5** Environmentally Sensitive Lands



Standards required for exterior lighting to become a certified Dark Sky Community?

**Section 15-6-40:** Outdoor Lighting



The process or application required for specific development and if a public hearing is required?

**Article 8:** Administration and Procedures



### FOR MORE INFORMATION:

Learn more at [www.silvertonmac.org](http://www.silvertonmac.org). Be sure to sign up to receive e-mail updates about the project.





# LET'S TALK DESIGN

## TOWNWIDE STANDARDS

**What is the intent of the standards?** These standards are intended to ensure that development throughout Town continues to provide a desirable and functional environment and is designed and constructed in a manner that is suitable to Silverton's climate.

**Where will the standards apply?** The proposed standards will apply to most new development and redevelopment throughout Town. Some standards, such as residential accessory storage, are not required for single-unit and duplex dwellings and other standards, such as on-site snow storage, are only required for Site Plan Review or Special Use Permit applications. Similarly, the small lot development bulk plane standards only apply to lots less than 5,000 square feet in area.



- **Roofs, Eaves, and Parapets:** Roofs, eaves, and parapets must be designed to withstand mountain climate using appropriate pitch, drainage, R-value, and materials.
- **Climactic Conditions:** Local climactic conditions shall be considered when designing the orientation of new buildings. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.
- **Reflective Materials:** No glare-producing material including, but not limited to, unpainted metal or reflective glass, shall be used on the exterior of structures.
- **Snow Storage and Shedding:** 10 percent of the impervious surface on the lot shall be provided for the removal, management, and storage of snow removed from pedestrian and vehicular ways. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property. Sites and structures shall be designed so that snow does not shed across the property line onto an adjacent property. Snow shall not be allowed to shed freely into building entrances and any roof that may shed snow onto walkways and entries shall include rooftop snow retention techniques including snow guards and/or snow fences.
- **Refuse Containers:** Dumpsters and refuse containers shall be animal resistant. Enclosures shall be located to minimize view and odors from public locations at the primary street frontage and neighboring properties.
- **Mechanical:** Underground utility connection is required unless otherwise provided by the Building Official. Risers, utility meters, panel boxes, or similar, are encouraged to be covered with the same or compatible material as the siding material where the connection meets the building.
- **Residential Accessory Storage:** Bulk storage areas for materials such as tools, bicycles, or ski equipment shall be provided and designed as an integral part of the project whether within the principal building or in a detached accessory structure.
- **Small Lot Development Bulk Plane:** The buildable area of the lot is limited by a bulk plane that extends up 12 feet from all four lot lines and angles in at forty-five-degree angles from the side lot lines until it reaches the maximum building height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot. This requirement is intended to limit the overall massing and scale of infill development on small lots.





# LET'S TALK DESIGN

## GREENE STREET STANDARDS

**What is the intent of the standards?** These standards are intended to replace the current Architectural Review Overlay District which requires all development within the boundary (see right) to be reviewed by the Historic Review Committee to preserve the historic character of Silverton and the Town's designation as a National Historic Landmark.

**Where will the standards apply?** The proposed standards will apply to any new development or redevelopment on any lot adjacent to Greene Street outside of the Historic District. These standards are in addition to the Townwide standards.



- **Building Orientation:** Primary entrance must be visible and accessible from street.
- **Building Mass and Form:** Building must include massing variation using multiple elements such as window variations, roof form variations, balconies, and overhangs.
- **Building Materials:** Building materials must preserve or complement exterior building materials characteristic of the Town's history.
- **Roof Form:** Roofs should be similar in scale to those used historically on comparable buildings. For new residential structures or new nonresidential structures designed to appear like a residential structure, the minimum roof pitch is 8:12. Bowed or curved roof forms are prohibited.
- **Parking:** If on-site parking is provided, parking should be located to the side or rear of the primary structure.



## WE WANT TO HEAR FROM YOU!

- Are there certain areas of Town outside of the Historic District that should require stricter design standards?
- Should any of the Townwide standards be limited to only certain areas of Town or certain development types (e.g. nonresidential or multi-unit)?
- Are there any other design standards you would like to see applied to all or certain types of development?

TAKE THE LAND USE CODE SURVEY!





# LET'S TALK HOUSING

## RESIDENTIAL USE ALLOWANCES

The updated Land Use Code proposes expanding residential use types across Town in order to implement the Compass Master Plan's goal to "expand housing choices, opportunities and affordability for our community."

Certain residential use types are required to meet additional standards regardless of whether a Special Use review is required. This includes limitations on number of units in the R-1 district, site layout and design requirements for cottage court dwellings and manufactured/tiny home parks, and building layout requirements for live/work dwellings.

Use Table							
P = Permitted   S = Special Use							
Current Zoning Districts	R-1, R-1-A	R-2	New	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	MU-1	MU-2	C-1	C-2	P
<b>Residential</b>							
<b>Household Living</b>							
Dwelling, Single-Unit Detached	P	P	P				
Dwelling, Single-Unit Attached (Townhome)	P	P	P				
Dwelling, Duplex	P	P	P	P			
Dwelling, Triplex or Fourplex		P	P	P			
Dwelling, Cottage Court		P	P				
Dwelling, Multiunit		P	P	P	P		
Dwelling, Live/Work			P		P	P	
Manufactured or Tiny Home Park		S	S				
<b>Group Living</b>							
Continuing Care Facility		S	P				
Group Home	P	P	P	S			
<b>Accessory</b>							
Accessory Dwelling Unit	P	P	P	P	P	P	

## DIMENSIONAL REQUIREMENTS



Zoning Districts Dimensional Standards Summary							
Current Zoning Districts	R-1-A, R-1	R-2	New	B-P	B-A	E-D	P
Proposed Zoning Districts	R-1	R-2	MU-1	MU-2	C-1	C-2	P
Lot Area, Min. SF [1]	5,000	2,500	-	-	-	-	-
Lot Area, Max. SF	10,000	-	-	-	-	-	-
Lot Width, Min. FT	50	25	25	25	50	50	50
Setbacks, Min. FT							
<i>Lots &lt; 5,000 SF</i>							
Front	N/A	5	5	0	5	5	5
Side [2]	N/A	3.5	3.5	0	3.5	3.5	3.5
Street Side	N/A	5	5	5	5	5	5
Rear	N/A	5	5	5	5	5	5
<i>Lots ≥ 5,000 SF</i>							
Front	7	7	7	0	15	7	7
Side [2]	7	7	5	0	10	7	7
Street Side	7	7	7	5	15	7	7
Rear	5	5	5	5	5	5	5
Building Height, Max. FT	30	35	35	45	35	35	30 FT

**Notes:**  
 [1] See Section 15-2-50(b).  
 [2] Side setbacks shall only apply to the perimeter of a single-unit attached structure and lot to individual townhouse/rowhouse lots.

Updates to the dimensional standards that provide more flexibility for a variety of housing types include reducing the minimum lot area required to build in the R-1 and R-2 districts, adding a maximum lot area in the R-1 district, reducing setbacks for small lot (also known as "single-lot") development, and a 5-foot increase in building height in all districts except R-1.



# LET'S TALK HOUSING

## THE COMPASS MASTER PLAN SAYS...

The Town and most community members have expressed the desire to prevent large single-family homes (i.e., a maximum footprint and maximum lot size).

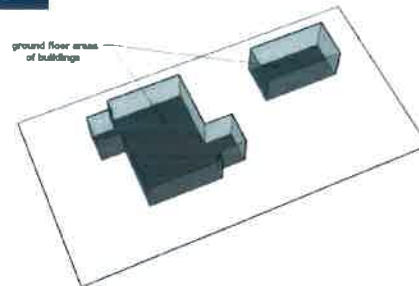
The project team has explored a variety of approaches to limiting the size of single-unit dwellings including total square footage limitations and maximum floor area ratio (included in the draft currently on the project website). Based on discussion with the staff, Stakeholder Group, and community members, the project team is moving away from floor area ratio and focusing on establishing a maximum building footprint limitation for single-unit dwellings and duplex structures.



## MAXIMUM BUILDING FOOTPRINT

**Building Footprint:** The total gross area of the ground level footprint of a building measured to the exterior faces of the building, including any enclosed projection as well as porches, decks, and balconies (includes accessory structures).

The image below describes the existing building footprints of single-unit dwellings on an existing block in Silverton.



The project team is considering setting the maximum building footprint for single-unit detached and duplex dwellings in the R-1 district at 3,000 square feet. The photo on the right displays an existing example of a single-unit dwelling with a 3,000 square foot building footprint for reference.



**Is 3,000 square feet the appropriate maximum building footprint limitation for single-unit and duplex dwellings in the R-1 district?**



# LET'S TALK HOUSING

## HOUSING TYPES

SINGLE-UNIT



DUPLEX



3 OR 4- PLEX



ATTACHED



MULTI-UNIT



LIVE-WORK



COTTAGE COURT



TINY HOME PARK



ADU



## WE WANT TO HEAR FROM YOU!

- Is establishing a maximum lot size of 10,000 square feet in the R-1 district sufficient to achieving the Compass Master Plan goal to “prevent large single family homes”?
- What are your concerns, if any, with allowing duplexes in the R-1 (current R-1 and R-1A) district?
- What feedback do you have about the proposed residential use allowances throughout Town?

TAKE THE LAND USE CODE SURVEY!





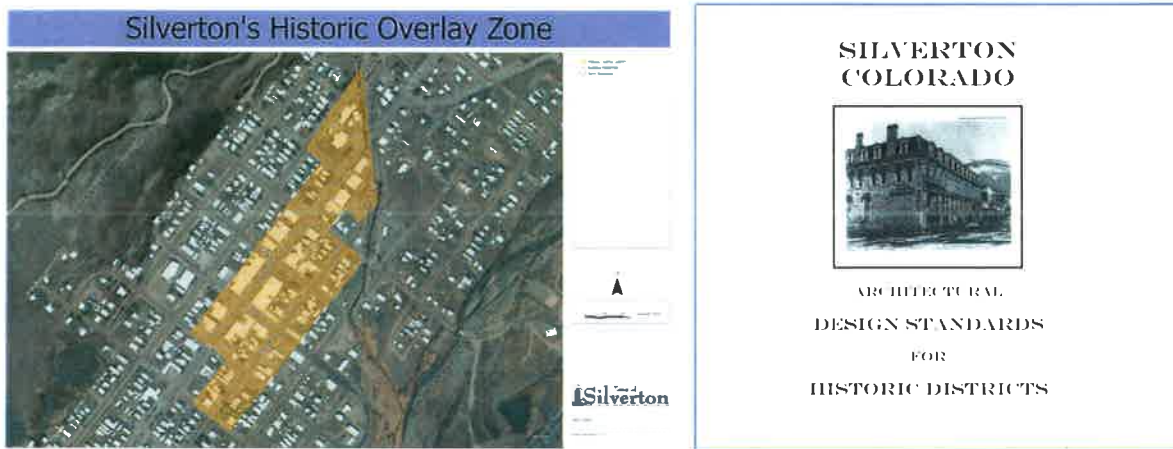
# LET'S TALK HISTORIC PRESERVATION

## CERTIFIED LOCAL GOVERNMENT PROGRAM

**What is a Certified Local Government (CLG)?** Certified Local Governments are counties or municipalities that have been endorsed by the State Historic Preservation Office (History Colorado) and the National Park Service to participate in the national preservation program while maintaining standards consistent with the National Historic Preservation Act and the Secretary of the Interior's Standards for Archaeology and Historic Preservation.

### What are the benefits?

- Access to grant funds available only to CLGs
- Technical support from the State Historic Preservation Office (SHPO) and the National Park Service
- Access to training opportunities and informational resources
- Local designation qualifies property owners for the 20 percent State Historic Preservation Tax
- Credit and provides access to the State Historical Fund preservation grant program



### How does the Land Use Code address historic preservation and CLG requirements?

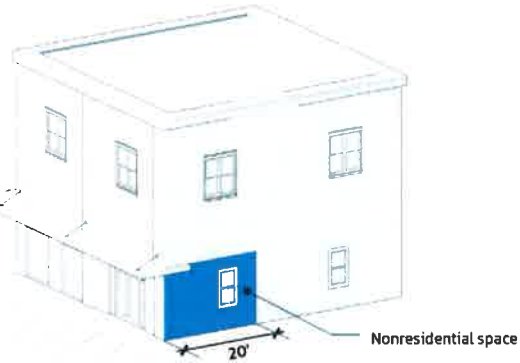
CURRENT CODE	PROPOSED CODE
Historic District Overlay	<ul style="list-style-type: none"> <li>• Boundaries remain the same</li> <li>• New procedure to add/remove properties</li> <li>• Will be the Town's local historic register</li> <li>• Minor review = administrative decision</li> <li>• Major review = HRC decision</li> </ul>
Architectural Overlay District	Removed and replaced with design standards for Greene Street, excluding the area within the Historic District Overlay
Historic Review Committee	Minor modifications for clarity and consistency
Builder's Handbook	Replaced with the Secretary of the Interior's Standards for the Treatment of Historic Properties
General	<ul style="list-style-type: none"> <li>• Minor review = administrative decision</li> <li>• Major review = HRC decision</li> </ul>



# LET'S TALK HISTORIC PRESERVATION

## HISTORIC DISTRICT OVERLAY STANDARDS

- **Compliance with Secretary of the Interior's Standards for Rehabilitation**
- **Preapplication Meeting with Building Official**
- **Mixed-Use Required**
  - Carried forward mixed-use requirement, but clarified that residential uses can be in the rear of the building and defined active principal nonresidential use: "land use that tends to have or encourage interaction between the use and pedestrians on a street, including entering and exiting the use, and viewing activity and/or merchandise inside the use from a street."
- **Build-to Line (Distance from Property Line)**
- **Façade Treatments**
  - Increased façade articulation requirement from 25 feet to 50 feet
- **Architectural Projections**
- **Blank Walls**
  - Changed blank wall prohibitions language from "where publicly viewable and compliant with adopted building codes" to "on any street frontage" for clarity
- **Architectural Elements**
  - Changed language related to architectural details from "elements that should be consistent" to "elements that may be reviewed to establish consistency"
- **Entries, Windows, and Screening**
  - Added requirement that entries be design to protect from falling snow
  - Added ability for Town Administrator or HRC to approve alternative design for first floor entry and window requirements



**\*See Sections 15-2-80(a), 15-8-40(d) and 15-8-40(e) of the Full Draft to read the full Historic District Overlay regulations and procedures.**

### NEXT STEPS...

After the Town has successfully obtained the CLG certification, the Town will explore using funds available through the program to perform a Historic Resources Survey in which a trained profession systematically identifies, records, and evaluates historic properties to determine periods of significance and associated architectural styles.





# SUMMARY OF KEY LUC UPDATES

## ARTICLE 1: GENERAL PROVISIONS

- Clarifies the purpose and applicability of the Code
- Establishes how Code provisions relate to other state and federal laws and private agreements
- Establishes how prior approvals, violations, and pending applications are processed by the new Code

## ARTICLE 2: ZONING DISTRICTS

- Carried forward P district
- Consolidated 2 districts (R-1 and R-1A) based on similar dimensional standards and use restrictions
- One new zoning district intended to be applied to zoning map to better support goals of Compass Master Plan
- Renamed other 4 districts to better reflect intent of district
- Decreased minimum lot area for current R-1, R-1A and R-2 and removed minimum lot area requirements for all other districts
- Decreased minimum front and side setbacks for lots less than 5,000 square feet
- Increased building height by 5 feet in all districts except the current R-1 and R-1A
- NOTE: the maximum floor area ratio proposed in the Full Draft will be replaced by a maximum building footprint in the Adoption Draft

## ARTICLE 3: USE STANDARDS

- Organized all uses into one table
- Introduced and/or defined new residential uses: single-unit attached (townhome), duplex, triplex or fourplex, cottage court, live/work and manufactured or tiny home park
- Defined "Seasonal Recreational Vehicle Occupancy" and relocated standards from Chapter 7 of the Municipal Code that allow
  - Maintained qualified employee requirement (30 hours/week or 4 days a week)
  - Clarified recreational vehicles allowed on a vacant lot, but limited to three on one lot
- Consolidated similar use types: governmental and public facilities, community center, recreation and entertainment indoor/outdoor, and retail sales.
- Introduced new commercial and industrial uses: animal services, commercial greenhouse or nursery, artisan industrial, and recycling facilities.
- Introduced new accessory uses and associated standards: cottage industry, electric vehicle charging station, outdoor commercial/residential storage, propane tanks, and solar energy systems.
- Introduced temporary uses and associated standards: farmstand, farmers market, food truck, portable storage unit, portable waste trailers, temporary event or sales, and temporary outdoor dining

(1) **MU-1 Neighborhood Mixed-Use**

(i) **Purpose**  
This district is designed to accommodate a mix of housing types with a limited amount of retail, office, creative spaces, and other commercial uses. It is intended for application in urban areas that offer an urban environment. Use of the district shall include those transitional areas between dominant residential uses and commercial or service districts.

(ii) **Dimensional Standards**

**Table 10-2-61 MU-1 Lot and Building Standards**

Lot Standards	Building Standards
Lot Area: min. 3,000	Building Height: Max. 35'
Front Setback: min. 10'	Side Setback: min. 5'
Side Setback: min. 5'	Front Yard: min. 10'
Back Setback: min. 5'	Max. Floor Area Ratio: 0.4
Max. Lot Coverage: 40%	



**Use Table**

(1) **Permitted U.S. Residential Use**

Current Zoning Districts	RH-1	RH-2	OS	MU-1	MU-2	CA	CA-1	OS	ED	SA
<b>Proposed Zoning Districts</b>										
<b>Residential Living</b>										
Dwelling, Single-Unit Detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dwelling, Single-Unit Attached (Townhome)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dwelling, Duplex	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dwelling, Triplex or Fourplex	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dwelling, Cottage Court	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y





# SUMMARY OF KEY LUC UPDATES

## ARTICLE 4: SUBDIVISION DESIGN AND IMPROVEMENT

- Clarified that standards apply to all new subdivision of land and includes design standards for: lots and blocks, streets, and utility easements
  - Required improvements include:
    - Water and Sewer Service Extensions
    - Storm Drainage System
    - Sanitary Sewerage System
    - Potable Water System
    - Fire Hydrants, Utilities, Street Lights
    - Railroad Signals, Arterial Roads, Street Improvements
- Decreased maximum block length from 1,500 feet to 600 feet
- Clarified permit requirements from County and CDOT for certain road access
- Replaced 10% public land dedication requirement based on value of gross land with simpler provision of land

## ARTICLE 5: ENVIRONMENTALLY SENSITIVE LANDS

- Replace overlay districts with sets of standards and criteria to be met when development is proposed within hazard areas
- Establish separate procedures and applications for development impacted by hazards
- Keep hazard maps available for general reference
- **Avalanche Hazard**
  - Updated approach based on peer communities and best practices
  - Carrying forward current maps based on February 1998 study
  - High Hazard Red Zone = no new permanent residential or nonresidential occupied structures
  - Moderate Hazard Blue Zone:
    - Minor Avalanche Development Permit- single-unit dwellings, ADUs, parks and open space, accessory buildings, minor utilities, seasonal development, outdoor recreation
    - Major Avalanche Development Permit – all other structures including avalanche control structures
- **Flood Hazard**
  - Reorganized standards for user-friendliness
  - Aligned requirements with best practices
  - Flood hazard area separated into: Floodway and Flood Fringe
  - Flood hazard development permit required (administrative decision)
- **Slope Hazard**
  - Expanded and improved current standards
  - Applies to any development/subdivision on lots with an average slope of 25% or greater
  - Slopes 25-30%: engineering study required, building location limitations, erosion/grading standards, and street standards
  - Slopes > 30%: no new lots/development
  - Slope hazard development permit required (administrative review)
- **Geologic Hazard**
  - Includes landslide areas, rockfall areas, unstable slopes, etc.
  - Two-tier review process
  - Evaluation letter to determine if hazards exist, then mitigation study
- **Wildfire Hazard**
  - Study required for all subdivision/development in High Intensity wildfire risk excluding applications for single-unit dwellings. Single-unit dwellings shall follow Firewise planting techniques and materials to the maximum extent practicable.
  - Referred and reviewed by Colorado State Forest Service



# SUMMARY OF KEY LUC UPDATES

## ARTICLE 6: SITE DEVELOPMENT STANDARDS

- **Mobility, Connectivity, and Parking**
  - Established minimum sidewalk and pedestrian walkway system requirements
  - Introduced basic vehicle off-street parking design standards including size of spaces and surfacing requirements
  - New minimum bicycle parking requirements for multi-unit (5+ units) dwellings and short- and long-term bicycle parking design standards
- **Landscaping and Screening**
  - Introduced state-required language related to the prohibition of nonfunctional turf, artificial turf, or invasive plan species beginning in 2026.
  - Incorporated roof-mounted mechanical and utility equipment screening requirement
  - Clarified the maximum fence height at six feet
- **Site and Building Design Standards**
  - Changed the approach to site and building design standards to follow a "tiered" standard
    - Townwide
    - Historic District
    - Greene Street (replacing AROD)
- **Townwide Design Standards**
  - Design Intent: Addition of the Design Intent statement a result of discussions with the Historic Review Committee about balancing adding excessive regulations with recognizing that the whole Town is recognized as a Historic Landmark. It is intended to be guidance, not requirements.
    - Roofs, Eaves, and Parapets
    - Climatic Conditions
    - Reflective Materials Prohibited
    - On-Site Snow Shedding and Storage
    - Refuse Containers
    - Mechanical
    - Residential Accessory Storage
  - Small Lot Development: New bulk plane limitation for small lots (< 5,000 square feet) Limits the building envelope in order to prevent infill structures that are inconsistent with the neighboring properties
- **Greene Street (former AROD)**
  - Applies to all lots adjacent to Greene Street outside of the Historic District
  - Building orientation – primary entrance must face street
  - Building mass and form
  - Building materials – complement historic character
  - Roof form – residential structures require 8:12 pitch
  - Staff would be responsible for reviewing the design standards, but Code includes an option for staff to refer applications to the Historic Review Committee





# SUMMARY OF KEY LUC UPDATES

## ARTICLE 6: SITE DEVELOPMENT STANDARDS

### • **Outdoor Lighting**

- Drafted to comply with the minimum requirements for designation by DarkSky International, not just to be dark sky friendly
- Requires fully shielded fixtures, restricts light spill, limits the temperature of lights (Kelvin), and establishes a lumen per acre limit
- Regulates specialized outdoor lighting and includes some exemptions
- Requires compliance of ALL outdoor lighting within 10 years
- Requires lighting plan submission by a professional so staff can review compliance

## ARTICLE 7: SIGNS

- Updated to address federal requirements related to content-neutrality
- Clarified measurements for building frontage, sign area, and freestanding sign height
- Consolidated all temporary sign regulations
- In Mixed-Use, Commercial and Public Districts, total sign area simplified to be 1.25 square feet per lineal foot of building frontage (tenant space for multi-tenant buildings)

## ARTICLE 8: ADMINISTRATION AND PROCEDURES

- Consolidated and completed information about review and decision-making bodies: San Juan Regional Planning Commission, Board of Adjustment, and Historic Review Committee
- Added a summary table of all procedures, pre-application meeting requirements, notice requirement, and final decision-making body
- Continues with common review procedures that streamline all application types
- Any exceptions to the common procedures are listed in the specific procedure
- Moved many procedures to be decided administratively to simplify the process for all with public hearings required for more complex procedures where public process is important like subdivisions, variances, and rezonings

## ARTICLE 9: NONCONFORMITIES

New regulations applicable to all nonconformities:

- *Nonconforming status* – use, lot, structure, or site feature in existence and lawfully constructed/operating when Code standards changed or annexation
- *Authority to continue*
- *Ordinary repair and maintenance* – minor repairs that do not increase nonconformity allowed
- *Discontinuance, abandonment and destruction* – determines at what point a nonconformity must be brought into compliance with current Code

## ARTICLE 10: ENFORCEMENT AND PENALTIES

- New Article to describe how the Town enforces Code regulations, what is considered a violation, and the penalties/remedies available for the violation
- Includes the Building and Property Appearance and Maintenance section that prohibits buildings in all districts from being boarded up with flexibility for temporary winter protection

## ARTICLE 11: DEFINITIONS AND MEASUREMENTS

- Clarified measurements for building footprint, height, lot area, lot coverage, lot width, and clear vision triangle
- Confirmed all use terms have a clear definition
- Aligned terminology and definition with other Town documents and policies (e.g., public works and housing)

