

**SAN JUAN REGIONAL PLANNING COMMISSION
AGENDA
February 20, 2024
San Juan County Courthouse**

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

7:00 PM Roll Call of Members and Minutes

Minutes of January 16,2024

7:10 PM Rezoning Application Block H:

Karen Rathmell, Rezoning of Four Parcels in Block H from Business Automobile District B-A to Multiple Family Residential District R-2

7:40 PM Use Subject to Review Application:

Melissa Childs and Anne Izard Use Subject to Review for retail not conducted in a closed building located at 1337 Blair St.

8:10 PM Three Mile Plan:

Town of Silverton

OTHER:

Times listed above are approximate.

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

ADJOURN: Next Regular Meeting – 6:30 PM, Tuesday March 19, 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 Commissioner room on January 16,2024 at 7:04 PM with roll call showing the following attendance:

Bev Rich	X	Ken Safranski	X
Jim Weller	X	Melissa Childs	X
Sallie Barney	X	Austin Lashley	X
Jim Harper	Absent		

Also present via Zoom were Bev Rich, Melissa Childs, Adam Rex, Spencer Rex, and Fritz Klinke.

Chairperson Jim Weller, Ken Safranski, Austin Lashley and Sallie Barney, Richard and Shannon Smiley, and William Tookey, County Administrator and Chris Tookey, Secretary were present in the Commissioners Room.

OLD BUSINESS

MINUTES August 15, 2023

Ken Safranski made a motion to approve the minutes of August 15, 2023, with a second from Bev Rich. The motion passed unanimously with a show of hands.

AT 7:06 the Old Business portion was closed.

AT 7:07 the Planning Commission opened the New Board Appointments for 2024

The Silverton Standard received the legal request for an opening in the Planning Commission. Jim Weller's term was up. We received no additional applicant letters from the newspaper ad. Jim Weller is interested in another term.

The members of the Commission were all in favor of Jim Weller returning for another term. Sallie Barney made a motion to appoint Jim Weller for another three-year term and Ken Safranski seconded. The motion passed unanimously with a show of hands. Welcome back Jim Weller.

Sallie Barney made a motion to retain the Officers as:

Jim Weller	Chairperson
Ken Safranski	Vice Chairperson
Beverly Rich	Treasurer

Austin Lashley seconded the motion and the motion passed with a show of hands.

TOWN OF SILVERTON BOARD OF ADJUSTMENT

Melissa Childs
Ken Safranski
Beverly Rich-Alternate

Sallie Barney made a motion to approve these members and Austin Lashley seconded. The motion passed with a show of hands.

FINANCIAL REPORT 2023

The Financial Report was discussed by the Commission Secretary Chris Tookey to give the Board an update on the Citizens State Bank update that had started in October 2023. There were no bank statements received in our PO Box 223 starting in October 2023. When Chris Tookey asked the Silverton Bank for copies to do the end of year financial report and there were no answers to why we were missing bank statements, she called the main bank in Ouray. Apparently, Bev Rich had been getting e statements, but we were still receiving bank statements. However, when the changes started the bank statements stopped. After discussion regarding the Financial Report the Commission looked at the fact that we had two accounts, the Money Market Account (000100252344), which over the years has not been used to their full capacity and we were at \$1.56 interest this year. Was it time to consolidate these accounts to just the checking account (000100252336)?

The Commission members wanted to still be able to receive the bank statements also by mail.

Ken Safranski made a motion to consolidate the Money Market account #000100252344 to the checking account #000100252336 and to add a motion to retain the bank statements of the consolidated account to be received by mail to the PO Box 223 as it was in the past. Jim Weller seconded the two motions, and the motions were approved with a unanimous roll call vote.

Copies of the motion will be taken to the Citizens State Bank to start the 2024 year.

IMPROVEMENT PERMIT APPLICATION: RICHARD SMILEY DBA SILVERTON GLAMPING LLC, EASTERN STAR PLACER MS 17680 AND ANIMAS MILL SITE MS 1566 SKETCH PLAN APPLICATION FOR THE DEVELOPMENT OF A GLAMPING RESORT LOCATED NEAR THE SOUTHERN BOUNDARY WITH THE TOWN OF SILVERTON.

William Tookey, Land Use Administrator, and Richard Smiley, the applicant was present to answer questions regarding the development and operation of a Glamping Resort and associated utilities on the Animas MS-1566B and Eastern Star Placer 17680 a total of 41.72 acres. The development will be divided into 4 units. Phase 1 will include a total of 32 tents/domes sites. These would be taken down in the winter since the sites are in an avalanche zone. Year One would include 8-12 sites. Phase 2 improvements, including improvement of road and addition of a structure for host will require an additional improvement permit application, review, and approval.

After discussion regarding concerns from the Commission members regarding the units especially the geodesic domes that most people are not accustomed to and closeness to Town, Melissa Childs made a motion to recommend to the County Commissioners to approve the Sketch Plan with the seven proposed conditions with an extra condition from the Commission to add additional access easement from the property owners of approval. Bev Rich seconded the motion and the motion passed unanimously with a show of hands.

A letter was sent to the County Commissioners.

IMPROVEMENT PERMIT APPLICATION: ADAM AND SPENCER REX, DBA KENDALL MOUNTAIN HOUSE LLC, FORST LODGE MS 18463 SKETCH PLAN APPLICATION FOR THE DEVELOPMENT OF A SINGLE-FAMILY DWELLING AND ASSOCIATED UTILITY IMPROVEMENTS AND VACATION RENTAL ON KENDALL MOUNTAIN ADJACENT TO CR 33.

William Tookey, Land use Administrator, and Adam and Rex Spencer, the applicants (via Zoom) were present to answer questions regarding the Improvement Permit Sketch Plan application to amend the previous submittal in which the Improvement Permit was approved for the cabin, but the vacation rental was denied. The amended request now would include the construction of a 3-bedroom, 3 bath single family dwelling of up to 3900 sq feet. The footprint of the house would remain the same as the original 2000 sq. foot cabin but now would include a loft and a covered porch. The application also requested the use of the property during the summer months as a vacation rental and during the winter months be used only for guests that are brought to the property by qualified guides.

After discussion, questions and presentations from the Land Use Administrator and the owner/applicant Adam Rex, Ken Safranski made a motion to recommend to the San Juan County Commissioners that they approve the proposed the County Improvement Permit

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

January 16, 2024

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission:

RE: Improvement Permit Application:
Richard Smiley DBA Silverton Glamping
LLC. Eastern Star Placer MS 17680 and
Animas Mill Site MS 1566B
Sketch Plan for the Development of a
Glamping Resort located near the southern
boundary with the Town of Silverton.

At a regular meeting of the San Juan Regional Planning Commission on January 16, 2024, members of that Commission discussed the Sketch Plan Application for the Silverton Glamping Resort and associated utilities on the Animas MS 1566B and Eastern Star placer 17680 a total of 41.72 acres. The development will be divided into 4 units. Phase 1 will include a total of 32 tents/domes sites. During the winter they would be taken down since the sites are in an avalanche zone. Year One would include 8-12 sites.

After discussion regarding concerns about the units used especially the geodesic domes that most people are not accustomed to and the closeness to Town, the members made a motion to recommend that the San Juan County Commissioners approve the Sketch Plan with the seven proposed conditions as presented by staff and an extra condition to add access easement from the property owners of approval. The recommendation passed unanimously.

Thank you for considering this recommendation.

Sincerely,
Jim Weller, Chairman
and the Planning Commission Members

Application and Preliminary Final Plan with the eleven proposed conditions of approval. Sallie Barney seconded, and the motion passed unanimously with a show of hands.

A letter was sent to the San Juan County Commissioners.

IMPROVEMENT PERMIT APPLICATION: CHARLES V. AND BRUCE A. HOCH, GLADSTONE GIRL MS 17271 SKETCH PLAN APPLICATION FOR A PROPOSED DEVELOPMENT OF A SINGLE-FAMILY DWELLING, SHED, DRIVEWAY AND ASSOCIATED UTILITY IMPROVEMENTS IN MINNEHAHA AREA ADJACENT TO CR 51.

William Tookey, Land Use Administrator, and the owners/applicants Charles and Bruce Hoch were present to answer questions for an Improvement Permit Application for a development of a 1000 sq. foot cabin, storage shed, driveway and associated utility improvements on the Gladstone Girl MS 17271. They also requested a variance or exception to the minimum lot area. The property is located near Gladstone and will be accessed by CR 51. The Hoche's also own the adjoining Golden Eagle property. The parcel is in the Mountain Zoning District and requires a lot of area of 5 acres with a setback of 20 feet from public lands and 30 feet from private lines. The applicants have specified the parcel to be 4.82 acres however the survey specifies the acreage to be 3.59 acres. Neither acreage meets the minimum lot area.

After the presentation for the proposed Sketch Plan for The Gladstone Girl and discussion regarding the specified acreage of the parcel and the adjoining parcel, Melissa Childs made a motion to recommend to the San Juan County Commissioners to approve this Sketch Plan for the single-family dwelling with the ten proposed conditions of approval with the added condition for access of the historic trail. Ken Safranski seconded; the motion passed unanimously with a show of hands. The applicant has agreed to consolidate the Gladstone Girl with the Golden Eagle Lode to achieve the minimum lot area.

Sallie Barney made a motion to recommend the San Juan Commissioners deny a variance of minimal lot area. Austin Lashley seconded, and the motion passed with a show of hands.

A letter was sent to the San Juan County Commissioners.

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

January 16, 2024

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission: RE: County Improvement Permit Application
Adam and Spencer Rex, DBA Kendall
Mountain House LLC. Sketch Plan
Application on Forst Lode MS 18463 For
Single-family dwelling and associated utility
improvements and Vacation Rental on
Kendall Mountain adjacent to CR 33.

At the regular meeting of the San Juan Regional Planning Commission on January 16, 2024, members of that Commission held a meeting to discuss the Proposed County Improvement Permit Sketch Plan Application to amend previous submittal for the development of a 2000 square foot cabin and associated utility improvements located on Forst Lode MS 18463 located on Kendall Mountain adjacent to CR 33. The amended request now would include the construction of a 3-bedroom, 3bath single family dwelling of up to 3900 sq feet. The footprint of the house would remain the same as the original 2000 sq. foot cabin but now would include a loft and covered porch. The application also has requested the use of the property during the summer months as a vacation rental and during the winter months be used only for guests that are brought to the property by qualified guides.

After considerable discussion and background of the project, questions and presentations from William Tookey, Land use Administrator, and the applicant, the Planning Commission voted unanimously to recommend to the San Juan County Commissioners that you approve the proposed County Improvement Permit Application and Preliminary Final Plan with the 11 proposed conditions of approval.
Thank you for considering this recommendation.

Sincerely,
The Planning Commission Members and
James Weller, Chairman

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

January 16, 2024

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission:

RE: Improvement Permit Application:
Charles and Bruce Hoch owners
RE: Gladstone Girl MS 17271
Sketch Plan for the Development of a
Single-Family Dwelling and Associated
Utility Improvements Located
Near Gladstone Adjacent to CR 51

At a regular meeting of the San Juan Regional Planning Commission on January 16, 2004, members of that Commission discussed the Sketch Plan Application for Gladstone Girl MS 17271. They also own the adjoining Golden Eagle.

After discussion the members made a motion to recommend that the San Juan County Commissioners approve the Sketch Plan Application for the development of a single-family dwelling and associated utility improvements located near Gladstone adjacent to CR51 with the conditions as presented by staff with an additional condition for access of the historic trail. The motion passed with a show of hands.

The Planning Commission also recommended that the request for a variance to the minimum land area be denied.

Thank you for considering this recommendation.

Sincerely,
Jim Weller, Chairman
and the Planning Commission Members

San Juan Regional Planning Commission
January 16, 2024

Melissa Childs, who is the Planning Commission representative to the Historic Review Committee, gave an update to the latest meeting of that committee.

The meeting was adjourned at 9:50 PM.

Respectfully Submitted,

Christine M. Tookey, Secretary

Approved _____

STAFF REPORT

To: San Juan County Regional Planning Commission
From: Chris Masar, *Contracted Town Planner, CPS*
Through: Gloria Kaasch-Buerger, *Town Administrator*
Lucy Mulvihill, *Community Development Coordinator*
Date: February 20th, 2024
RE: Consideration of a Rezoning of four parcels from Business Automobile District B-A to Multiple Family Residential District R-2 located at Block H (24-05 ZON Blk H Rathmell).

Project Site: TBD 5th Street, Block H, Silverton, San Juan County, Colorado. Parcels #s: 482918400006, 4829184000008, 482918400003, and 4829184000003. (Fractional block h north 130 ft, fractional block h middle 85 ft, fractional block h, southerly 85 ft, vacated portion of 6th street lying between fractional blocks g & h, and also bounded by the northwest boundary of keystone street and the northwest boundary of the town of Silverton, undivided 1/4 interest in)

Applicant: Karen Rathmell

Owners: Karen Rathmell, Joann Vota, William Sandell, Susan Sandell Takahashi, Michael Sandell

Current Zoning District: Business Automotive (B-A) District, Section 16-3-60, Silverton Town Code

Overlay Districts:
Slope Hazard Overlay District Section 16-4-4

Purpose of Review:

Sec. 16-1-40. Of the Silverton Municipal code states: Amendments or changes Pursuant to Sections 31-23-304 and 31-23-305, C.R.S., the regulations, restrictions and boundaries established by this Chapter and the official use district map may be amended, supplemented, changed, modified or repealed by the Board of Trustees, following review and recommendation by the Planning Commission. Such amendments or changes may be initiated by the Board of Trustees, the Planning Commission or application of any person residing, owning or leasing property in the Town.



Application:

The applicant submitted the required paper documents and associated application fee on February 5, 2024.

Public Notice:

Posted on Town website on Thursday February 8, 2024.

Posted within the Silverton Standard and Miner newspaper on Thursday February 8, 2024.

Public Comment:

As of February 12, 2024, no public comments have been formally received in regard to this application.

Adjacent Properties:

The properties to the north are zoned R-1A, the properties to the south are zoned B-A, the properties to the East are zoned R-2, and the property to the West is not within town limits.

Parcel Size and Access:

The project site consists of four lots, which total 13,315 sq. ft. (3,561 sq. ft., 3,540 sq. ft., 5,393 sq. ft., and 820 sq. ft.). Since no structures are currently proposed on the subject sites, vehicular access to each lot has not been determined.

Analysis of Request:

Proposed Improvements:

The property owners are only requesting a rezoning from B-A to R-2 with this application. The properties do not meet the dimensional standards of the current B-A zone district (See Table 1 below) and are more closely aligned with the dimensional standards of the requested R-2 zone district (See Table 2). Due to size of the lots and the dimensional requirements of the B-A zone district, any development of the property now would trigger numerous dimensional variance applications and review by the Town's Board of Adjustment. By rezoning to the R-2 zone district, the number of dimensional lot standard variances is likely reduced and possibly eliminated if lots are combined. Although the properties do not, as currently configured, meet all the dimensional requirements of the R-2 zone district, the SMC does not currently have rezoning approval criteria that require a lot/parcel to be in compliance with a zone district in order for the zone district to be approved for the property.

The subject site is also located within the Slope Hazard Overlay District which requires a Use Subject to Review. The property owners do not have immediate plans to build on the property, or site plans to show the setbacks, to determine if the requirement of the underlying zoning district are sufficient to mitigate the hazard affecting the lots. The Use Subject to Review application for the Slope Hazard Overlay District is not required at this time and will be required upon development on the properties.

Land Use & Dimensional Standards:

Table 1 shows the dimensional requirements for uses in the **EXISTING** B-A zone district.

Table 1:

Standard	Required	Existing	Compliant?
Minimum Lot Area	30,000 sq. ft.	820 sq. ft. – 5,393 sq. ft.	No
Minimum Lot Area Per Dwelling Unit	3,750 sq. ft.	820 sq. ft. – 5,393 sq. ft.	No, Only one lot could contain a dwelling unit
Minimum Lot Width	200'	80'-130'	No
Maximum Height of Structure	30' B-A District	---	N/A
Minimum Floor Area of Dwelling Unit	500 sq. ft.	---	N/A
Front Setback	20'	---	N/A
Side Setback	15'	---	N/A
Rear Setback	5'	---	NA

Table 2 shows the dimensional requirements for uses in the **PROPOSED** R-2 zone district.

Table 2:

Standard	Required	Proposed	Compliant?
Minimum Lot Area	5,000 sq. ft.	820 sq. ft. – 5,393 sq. ft.	Only one lot meets this requirement
Minimum Lot Area Per Multi-Family Dwelling Unit	1,250 sq. ft.	820 sq. ft. – 5,393 sq. ft.	Three of the four lots meet this requirement
Minimum Lot Width	50'	80'-130'	Yes
Maximum Height of Structure	30' R-2 District	---	N/A
Minimum Floor Area of Dwelling Unit (Single Family)	750 sq. ft.	---	N/A
Minimum Floor Area of Dwelling Unit (Multi-Family)	An additional 500 square feet, for a total of 1,250 square feet	---	N/A
Front Setback	7'	---	N/A
Side Setback	7'	---	N/A
Rear Setback	5'	---	NA

The applicant does not have immediate plans for the site, so we are unable to determine if all development standards are met with this application.

Under the current zoning code, the only zoning district which allows development on properties less than 5,000 s.f. is the Business Pedestrian (B-P.) district where commercial uses or residential uses in conjunction with other principal uses can be developed on a 2,500 sq. ft. lot. The B-P zone

district encompasses the downtown section of Silverton around Greene St. and Blair Street. If the subject site was rezoned to B-P district, the zoning would not be contiguous with the surrounding properties which is not permitted.

The current B-A zone district requires a minimum lot size of 30,000 s.f.. The R-1A district to the north of the subject site requires a minimum lot size of 7,500 s.f. The proposed R-2 zone district that is adjacent to the east requires a minimum lot size of 5,000 s.f. making it the most appropriate zone district for the properties.



Existing zoning map of the subject site and surrounding properties.

Code Standard Evaluation - Sec. 16-1-40. - Amendments or changes.

(a) Pursuant to Sections 31-23-304 and 31-23-305, C.R.S., the regulations, restrictions and boundaries established by this Chapter and the official use district map may be amended, supplemented, changed, modified or repealed by the Board of Trustees, following review and recommendation by the Planning Commission. Such amendments or changes may be initiated by the Board of Trustees, the Planning Commission or application of any person residing, owning or leasing property in the Town.

(b) Application procedure.

(1) The application for such action by a person shall be filed in writing with the Planning Director.

The applicant completed an application form requesting the rezoning of the four properties.

(2) The application for amendment or change in the use district map shall contain the following information:

a. Description of land area, including lot and block numbers to be rezoned, and requested new classification, along with a drawing to scale showing boundaries of the area requested to be rezoned.

The application material includes a scaled plan for the properties proposed for rezoning, lot and block descriptions, and the requested zoning classification.

b. A statement of justification for the rezoning requested.

The current B-A zoning district would not allow the use of the property without variances. The minimum lot area required in the B-A zone district is 30,000 sq. ft. and the minimum lot area required per dwelling unit is 3,750 sq. ft.

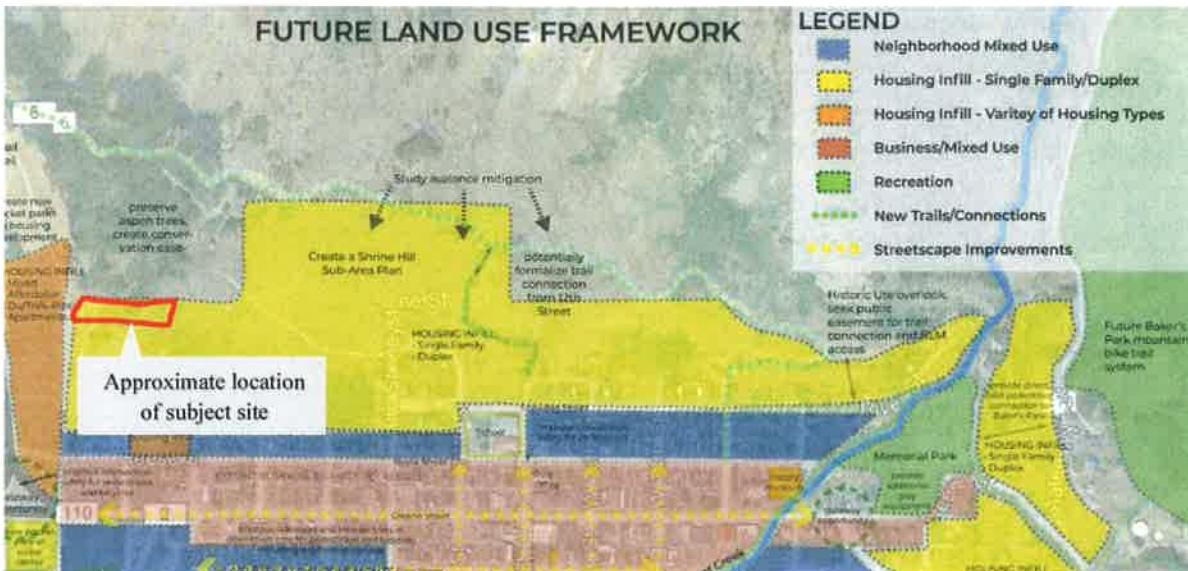
Of the four lots proposed for rezoning, only one would meet the minimum lot size requirements for one dwelling unit, and no lots would meet the minimum 30,000 sq. ft. lot size requirements for the B-A zone district. The subject lots also do not currently meet the minimum lot width requirement of 200 ft. within the zone district.

c. Time schedule for any contemplated new construction or uses.

The applicant intends on selling her parcels and does not have an estimate on when construction would occur on the property.

Compass Master Plan Evaluation:

The future land use map within the compass master plan highlights the location of the subject site as an area for housing infill, specifically for Single-family and Duplexes.



Staff Recommendation:

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of §Sec. 16-1-40 of the SMC. Staff therefore recommends approval to rezone the four parcels known as *Fractional block H north 130 ft, Fractional block H middle 85 ft, Fractional block H southerly 85 ft, and Vacated portion of 6th street lying between fractional blocks G & H, and also bounded by the northwest boundary of keystone street and the northwest boundary of the town of Silverton, undivided 1/4 interest in*, from Business Automotive (B-A) to Multi-Family Residential (R-2), as presented.

However, this is a decision for the Planning Commission to make, and the Commission may choose to approve or deny the rezoning application based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Planning Commission can rely on or the decision the Commission makes.

Sample Motion for Approval:

I move to recommend approval of the rezoning of the four parcels known as *Fractional block H north 130 ft, Fractional block H middle 85 ft, Fractional block H southerly 85 ft, and Vacated portion of 6th street lying between fractional blocks G & H, and also bounded by the northwest boundary of keystone street and the northwest boundary of the town of Silverton, undivided 1/4 interest in*, from Business Automotive (B-A) to Multi-Family Residential (R-2), as presented. finding the rezoning would be in conformance with §16-1-40 of the SMC.

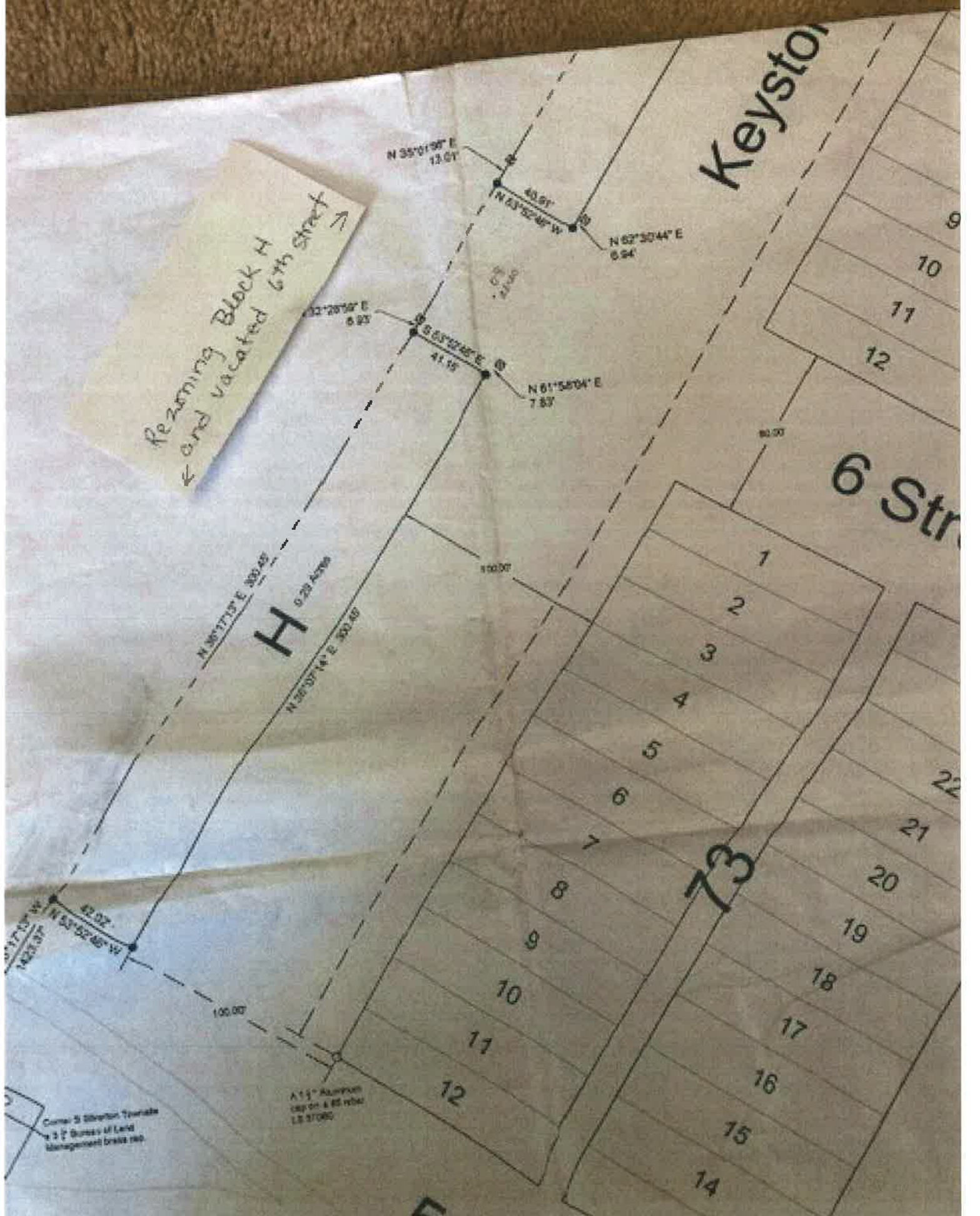
Sample Motion for Denial:

I move to deny the rezoning of the four parcels known as *Fractional block H north 130 ft, Fractional block H middle 85 ft, Fractional block H southerly 85 ft, and Vacated portion of 6th street lying between fractional blocks G & H, and also bounded by the northwest boundary of keystone street and the northwest boundary of the town of Silverton, undivided 1/4 interest in*, from Business Automotive (B-A) to Multi-Family Residential (R-2), finding the rezoning would NOT be in conformance with §16-1-40 of the SMC

Attachments:

Application Materials
Public Notice

Re zoning Block H
← and vacated 6th street →





LAND USE APPLICATION
 Community Development Department
 Town of Silverton
 1360 Greene Street, Silverton CO, 81433

Applicant: Karen Rathmell **Company:** na
Mailing Address: 2712 Delwood Avenue

Phone: 970-422-2167 **Email:** kmrmr@q.com

Owner: Karen Rathmell, JoAnn Vota (Sandell), William Sandell, Susan Sandell Takahashi, Michael Sandell

Mailing Address:

- Karen - 2712 Delwood Avenue, Durango CO 81301
- JoAnn Vota (Sandell) - 315 Sunburst Lane, Durango CO 81301
- William Sandell - 5490 Camlin Place West, Westerville, OH 43081
- Susan Sandell Takahashi 6147 Pryor Road, Timnath CO 80547
- Michael Sandell 5800 Antequera NW, Albuquerque NM 87120

Phone: Karen - 970-422-2167

JoAnn - 970-259-1319

William - 614-578-4551

Susan - 970-217-0521

Michael - 407-738-8900

Email: Karen - kmrmr@q.com; JoAnn - jvota@bresnan.net; William -

wlywnka@yahoo.com; Susan - ricktak@hotmail.com; Michael - msand95903@gmail.net

Property Location/Address: Block H and vacated 6th Street

Assessor's parcel no. Karen's parcels Block H - R1178 southerly 85'; R4066 middle 85'; vacated 6th 1/4 undivided interest - R3100.

JoAnn's and Sandell children parcels Block H - R1175 northerly 130'; vacated 6th R1086, also have this number 4829184003 for 1/4 undivided interest of JoAnn, 482914000003 for 1/2 undivided interest of JoAnn and kids)

Lot Size: Karen's - Block H southerly .08 acres, middle .08 acres; vacated 6th 1/4 interest .02 acres.

JoAnn's and Sandell children - Block H northerly .12 acres; vacated 6th 1/4 interest .02 acres, and 1/2 interest .04 acres.

Current Zoning: Business/Auto **Proposed Zoning:** Residential

Current Use: Vacant land **Proposed Use:** have buyer who might build on it

Is the property located within an Overlay District? (check all that apply)

- Limited
- Historic
- Architectural Review
- X Avalanche Hazard
- Flood Hazard
- Slope Hazard



(The person listed as "Applicant" will be contacted to answer questions regarding this application, provide additional information when necessary, post public hearing signs, receive a copy of the staff report prior to Public Hearing, and shall be responsible for forwarding all verbal and written communication to the owner.)

Type of action requested (check one or more of the actions below which pertain to your request):

- | | |
|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Site Development Plan approval |
| <input checked="" type="checkbox"/> Change of zoning | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Vacation Rental | <input type="checkbox"/> Temporary Use, Building, Sign |
| <input type="checkbox"/> Consolidation Plat | <input type="checkbox"/> Development in Hazard Zones |
| <input type="checkbox"/> Historic Overlay Districts | <input type="checkbox"/> Use Subject to Review |
| <input type="checkbox"/> Architectural Review Overlay District | <input type="checkbox"/> Variance/Waiver |
| <input type="checkbox"/> Avalanche Hazard Overlay District | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Slope Hazard Overlay | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Flood Hazard Overlay | <input type="checkbox"/> Other: Click to enter text. |
| <input type="checkbox"/> Limited Overlay | |

Detailed Description of Request: *(ex: will the project include a new structure or renovations of an existing structure, are there any anticipated conflicts with building or zoning codes, etc.)*

We would like to change the zoning from Business/Auto to Residential. Surrounding parcels in area are also Residential. We have a buyer for all of Block H, all of vacated 6th, and southerly 150 feet of Block G (already zoned residential), which are for sale together as a unit.



CERTIFICATION

As owner of the aforementioned property, I hereby consent to the submission of this application and authorize the applicant to act on my behalf with regard to this application.

X Karen Rathmell

Owner Signature

X 1/31/24

Date

X Joleen Vota

Owner Signature

X 1/31-24

Date

X _____

Owner Signature

X _____

Date

X _____

Owner Signature

X _____

Date

I, Karen Rathmell, certify that the information and attachments submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owners.

X Karen Rathmell

Applicant Signature

X 1/31/24

Date

STAFF REPORT

To: San Juan County Regional Planning Commission
From: Chris Masar, *Contracted Town Planner, CPS*
Through: Gloria Kaasch-Buerger, *Town Administrator*
Lucy Mulvihill, *Community Development Coordinator*
Date: February 20th, 2024
RE: Consideration of a Use Subject to Review for retail not conducted in a closed building located at 1337 Blair Street (24-04 SUP 1337 Blair).

Project Site: 1337 Blair Street, north of 13th street, between Blair Street and Greene Street. Lot 19a, Block 13, Silverton, San Juan County, Colorado. parcel #: 48291730130019.

APPLICANTS: Melissa Childs and Anne Izard

OWNERS: Erik Everett, and Melissa Childs

ZONING DISTRICT: Business Pedestrian (B-P) District, Section 16-3-50, Silverton Town Code

OVERLAY DISTRICTS:
Historic Overlay District, Architectural Review Overlay District (AROD)



PURPOSE OF REVIEW:

Section 16-3-50 of the Silverton Municipal Code (SMC) states that any use or activity not conducted within an enclosed building requires a use subject to review.

APPLICATION:

The applicant submitted the required paper documents and associated application fee on February 5, 2024.

Public Notice:

Posted on Town website on Thursday February 8, 2024.

Posted within the Silverton Standard and Miner newspaper on Thursday February 8, 2024.

Public Comment:

As of January 8, 2023, no public comments have been formally received in regard to this application.

Adjacent Properties:

The properties to the north, south, east and west are zoned Business Pedestrian (B-P) District.

Parcel Size and Access:

The project site consists of one 2,500 sq. ft. lot adjacent to Blair Street. Vehicular access will remain off Blair Street.

Analysis of Request:

Proposed Improvements:

The submitted application materials state Strictly Roots Ltd proposes to operate a retail operation within a 12' x 14', or 12' x 17, canvas wall tent at 1337 Blair St. The retailer will sell home décor, essential oils, candles, and gifts. The materials used include the canvas wall tent, aluminum frame, a 6'x 3' rustic barn-wood sign reading "STRICTLY ROOTS. apothecary. oddities. sundries.", and wood and metal display shelves/ racks. The proposed hours of operation will be 9-5 daily. This is a seasonal operation (May through October) and no artificial lighting will be necessary since the hours of operation are during the daylight hours. A solar panel and inverter will be utilized for powering the computer/register and any interior display lighting. Small solar landscaping lights will be used on the exterior of the tent.

Land Use & Dimensional Standards:

Uses or activities not conducted within an enclosed building is a use subject to review within the B-P zoning district. The B-P zoning district does permit by right retail shops if contained in a building.

Code Standard Evaluation - Section 16-1-50 Uses subject to review.

a) *Applications for uses subject to review or uses in the B-A Business Auto District shall be filed, in writing, with the Town Clerk, along with the required fee as set forth on the Town's Fee Schedule. Such applications shall contain the following information, as applicable:*

(1) *Location and identification of all existing and proposed public and private easements.*

The application material includes a site plan showing the right of way.

(2) *Boundaries of sites to be reserved or dedicated for trails, parks, playgrounds, schools or other public uses and the location of any common area not reserved or dedicated to public use.*

N/A

(3) *The area, in square feet, and percentage of the total area of the proposed development, devoted to each type of use.*

The use will be contained within the proposed 170 sq. ft or 205 sq. ft. canvas tent.

(4) *The existing buildings, telephone and power lines and sewer, water, gas and drainage pipes located on the proposed development and adjacent to its boundaries.*

The application material includes a site plan showing all utilities.

(5) A description of the land area of the request, including lot and block number, along with a drawing to scale showing boundaries and an indication of existing zoning for all areas on the drawing.

The application material includes a site plan showing the subject site.

(6) The time schedule for any contemplated new construction or uses.

The land use application states that the retail store will be used between the months of May and October from 9am-5pm.

Staff Recommendation:

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of §16-1-50 of the SMC. Staff therefore recommends approval of the use subject to review application for retail not conducted in a closed building located at 1337 Blair Street as presented.

However, this is a decision for the Planning Commission to make, and the Commission may choose to approve or deny the use subject to review application based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Planning Commission can rely on or the decision the Commission makes.

Sample Motion for Approval:

I move to recommend approval of the Use Subject to Review application for retail not conducted in a closed building for property located at 1337 Blair Street as presented, finding the Use Subject to Review is in conformance with §16-1-50 of the SMC.

Sample Motion for Denial:

I move to deny the Use Subject to Review application for retail not conducted in a closed building for property located at 1337 Blair Street as presented, finding the Use Subject to Review would NOT be in conformance with §16-1-50 of the SMC [insert explanation supported by the evidence here].

Attachments:

Application Materials

Staff determination letter for apartments on the first floor.

Public Notice



LAND USE APPLICATION
Community Development Department
Town of Silverton
1360 Greene Street, Silverton CO, 81433

Applicant: Melissa Childs & Anne Izard

Company: Strictly Roots Ltd

Mailing Address: POB 755

Phone: 970-903-4132

Email: melissamchilds@gmail.com; anneizard@gmail.com

Owner: Erik Everett

Mailing Address: POB 543, SILVERTON CO 81433

Phone: 970-946-0652

Email: erikceverett@gmail.com

Property Location/Address: 1337 Blair St

Assessor's parcel no. 48291730130019 **Lot Size:** 2500 SF

Current Zoning: BP **Proposed Zoning:** BP

Current Use: Vacation Rental

Proposed Zoning: Retail Not Conducted in a Closed Building

(The person listed as "Applicant" will be contacted to answer questions regarding this application, provide additional information when necessary, post public hearing signs, receive a copy of the staff report prior to Public Hearing, and shall be responsible for forwarding all verbal and written communication to the owner.)

Type of action requested (check one or more of the actions below which pertain to your request):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Site Development Plan approval |
| <input type="checkbox"/> Change of zoning | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Vacation Rental | <input type="checkbox"/> Temporary Use, Building, Sign |
| <input type="checkbox"/> Consolidation Plat | <input type="checkbox"/> Development in Hazard Zones |
| <input type="checkbox"/> Historic/AROD Review | <input checked="" type="checkbox"/> Use Subject to Review |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Variance/Waiver |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Other: Click to enter text. |

Detailed Description of Request: Strictly Roots Ltd proposes to operate a retail operation within a 12' x 14', or 12' x 17, canvas wall tent at 1337 Blair St. The retailer will sell home décor, essential oils, candles, and gifts. The materials used include the canvas wall tent, aluminum frame, a 6'x 3' rustic barn-wood sign reading "STRICTLY ROOTS. apothecary. oddities. sundries.", and wood and metal display shelves/ racks. The proposed hours of operation will be 9-5 daily. This is a seasonal operation (May through October) and no artificial lighting will be necessary since the hours of operation are during the daylight hours. A solar panel and inverter will be utilized for powering the computer/register and any interior display lighting. Small solar landscaping lights will be used on the exterior of the tent.

CERTIFICATION

As owner of the aforementioned property, I hereby consent to the submission of this application and authorize the applicant to act on my behalf with regard to this application.



DocuSigned by:
X Erik Everett
FD58C79BCB324F8
Owner Signature

X 1/18/2024
Date:

I, Click to enter text., certify that the information and attachments submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owners.

DocuSigned by:
X Melissa Childs
FD58C79BCB324F8
Applicant Signature

X 1/18/2024
Date

DocuSigned by:
X Anne Izard
FD58C79BCB324F8
1/18/2024

To be filled out by staff:

DATE RECEIVED: Click to enter text.	RECEIVED BY: Click to enter text.
FEES PAID: Click to enter text.	CASE NO: Click to enter text.
QUARTER SECTION MAP: Click to enter text.	RELATED CASES: Click to enter text.
PRE-APP MEETING DATE: Click to enter text.	CASE MANAGER: Click to enter text.

SITE PLAN FOR RETAIL TENT @ 1337 BLAIR STREET



Utility Pole

Power Line

Sewer Line

12' x 17' Tent

Gas Line

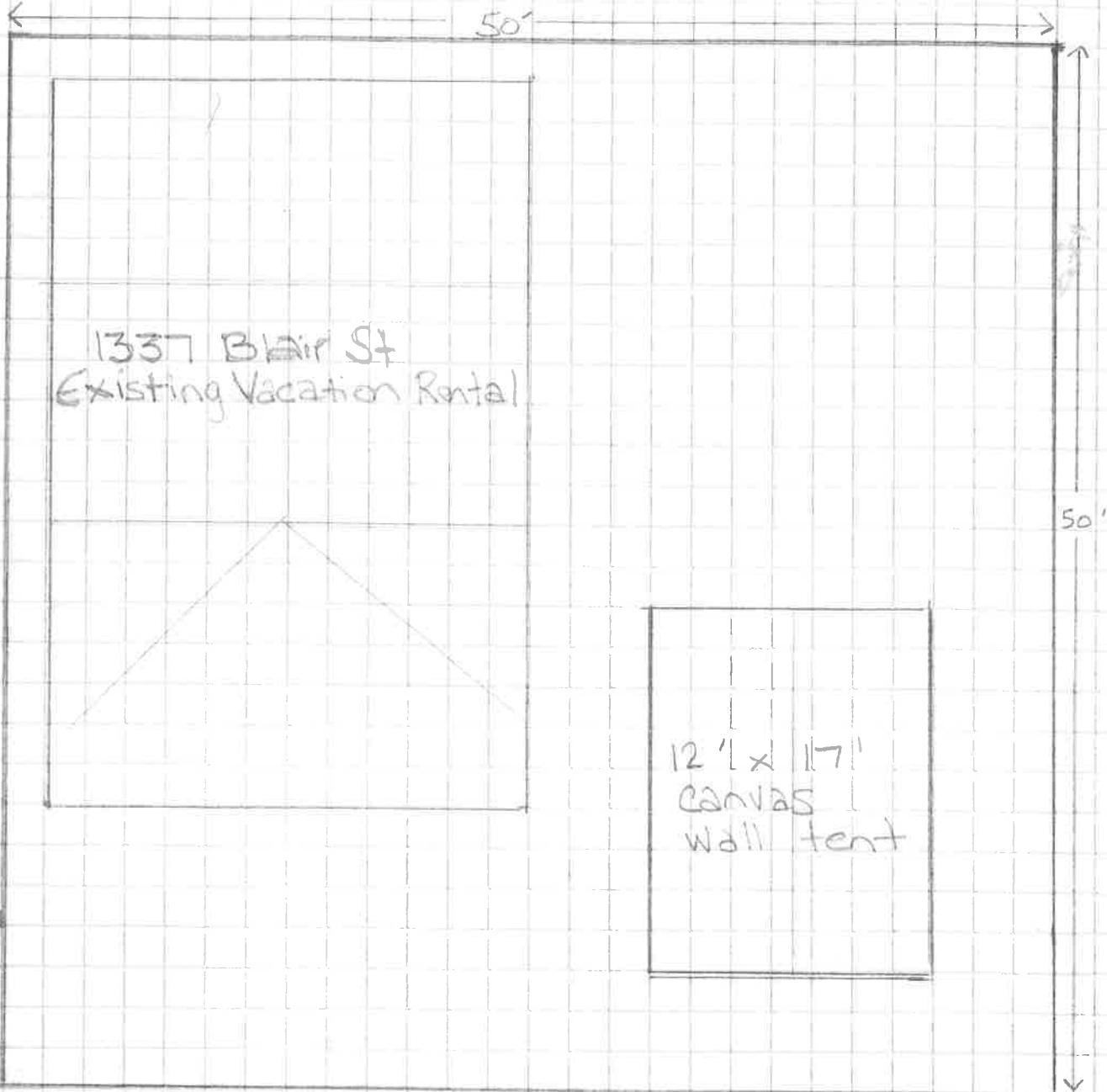
Water Line

TOS ROW
Blair St

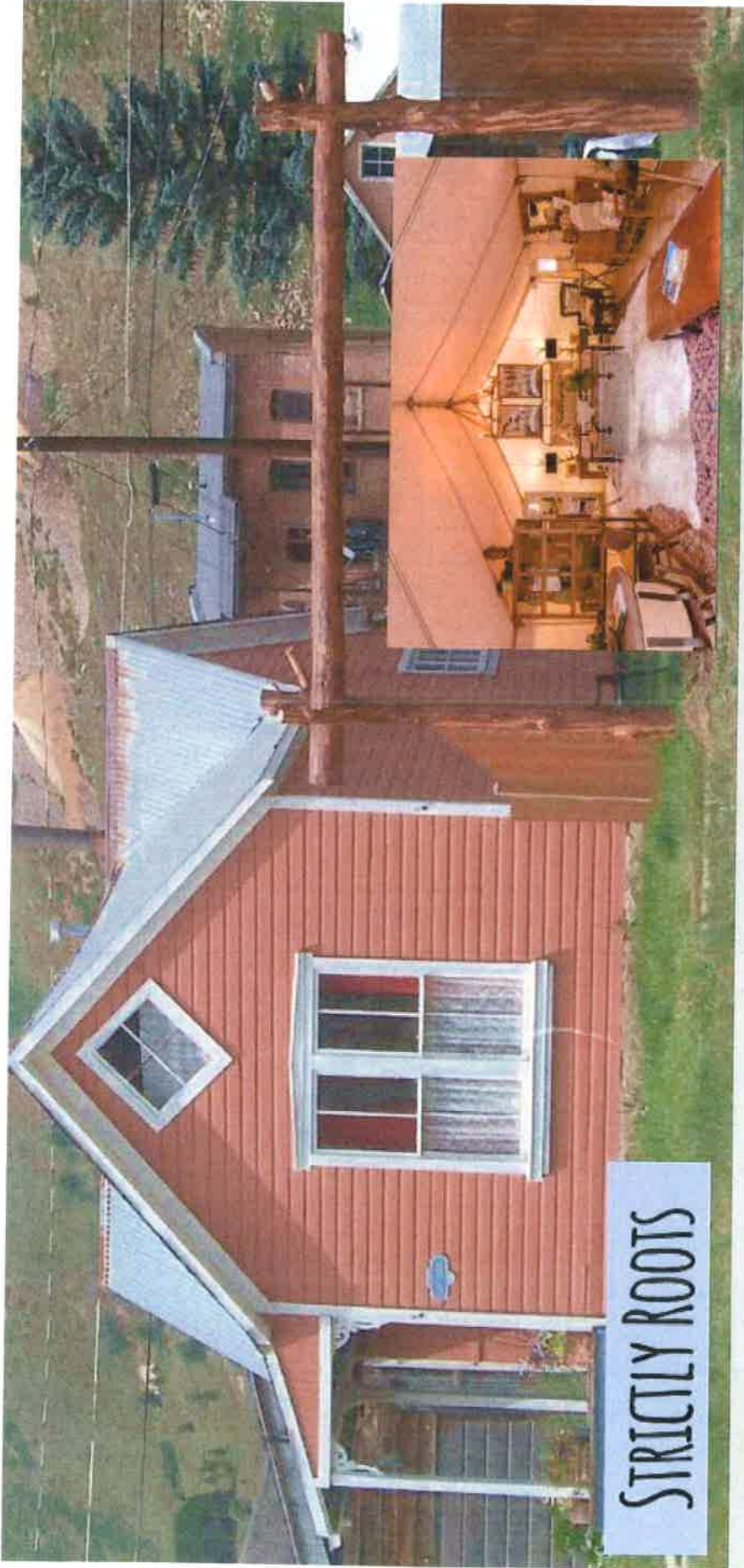
NOTES:
*There are no existing easements on this parcel
*Proposed operation to begin in May 2024
*No drainage pipes exist on parcel or adjacent properties

SITE PLAN
RETAIL CANVAS WALL TENT

BLOCK 13, LOT 19A
(the easterly half of Lots 19 & 20)



BLAIR ST



LOCATED AT 1337 HISTORIC BLAIR STREET, STRICTLY ROOTS IS A WILD WEST RETAIL SPACE SPECIALIZING IN HOME DECOR GOODS, APOTHECARY, CURIOSITIES, AND SUNDRIES.



Our Look & Vibe



The Tent by Montana Canvas

STAFF REPORT

To: San Juan County Joint Planning Commission
From: Shelia Booth, AICP, *Contracted Town Planner, CPS*
Chris Masar, *Contracted Town Planner, CPS*
Through: Lucy Mulvihill, *Community Development Director*
Date: February 20, 2024
RE: Town of Silverton Three-Mile Plan

PURPOSE:

Colorado Revised Statutes (CRS) requires municipalities to plan for growth and expansion related to infrastructure and services within the three-mile area around the current town limits (CRS 31-12-105). Adopting a Three-Mile Plan is required prior to annexing property into the Towns jurisdiction and is to be updated annually.

CRS 31-12-105 e. 1. *Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1)(a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.*

The Town adopted its Three-Mile Plan in 2023 and no changes have been made to the document or to the Town's boundaries since the adoption of the 2023 Three-Mile Plan.

SCOPE:

The Three-Mile Plan includes sections related to:

1. Eligibility standards;
2. Infrastructure capacity and expansion;
3. Annexation and growth policies;
4. Conformance with Town planning documents and regulations; and
5. Three-Mile Plan Map.

ANALYSIS OF IMPACTS:



Adoption of a Three-Mile Plan does not obligate the Town to accept annexations or development; and it does not obligate property owners within the three-mile boundary to annex to the Town. The document is a planning tool to assist the Town in making reasonable and sound growth decisions. Furthermore, it is required to be adopted for the Town to approve petitions for annexation, if requested by petitioners and found to be compliant and consistent with the Compass Master Plan, the Silverton Municipal Code provisions, and other applicable rules, regulations, standards, and policies of the Town.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Town of Silverton 2024 Three-Mile Plan to the Board of Trustees.

However, this is a decision for the Planning Commission to make, and the Commission may choose to approve or deny the 3 Mile Plan based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Planning Commission can rely on or the decision the Commission makes.

Sample Motion for Approval:

I move to recommend approval of the Town of Silverton 2024 Three-Mile Plan as presented, finding the Plan is in conformance with the requirements of the Colorado Revised Statutes. §31-12-105.

Sample Motion for Denial:

I move to deny the Town of Silverton 2024 Three-Mile Plan as presented, finding the Plan is in NOT conformance with the requirements of the Colorado Revised Statutes. §31-12-105. [insert explanation supported by the evidence here].

ATTACHMENTS:

1. Town of Silverton 2024 Three-Mile Plan

Town of Silverton

2024

Three-Mile Plan



Adopted February 26, 2024
Town of Silverton Board of Trustees
Resolution No.

This document constitutes the Three-Mile Plan for the Town of Silverton, as required by and in conformance with Section 31-12-105(1)(e) of the Colorado Revised Statutes (C.R.S.). This document is adopted as a component of the Town’s Master Plan.

I. Purpose, Methodology and Criteria

A. Purpose

Colorado Revised Statutes Section 31-12-105(1)(e)(l) of the Municipal Annexation Act of 1965 requires that each municipality have a plan that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation and power for any annexation within three miles of the municipality. The plan shall be in place prior to annexation of additional lands. An update to the plan is required annually.

Accordingly, the intent of the Town of Silverton Three Mile Plan (or the “Plan”) is to fulfill the requirements of the Municipal Annexation Act pertaining to such plans. This Plan anticipates that requests will be made over time for the incorporation of areas into the limits of the Town of Silverton.

The Three-Mile Plan does not assume, propose, or guarantee that any property within three miles will be annexed by the Town. The process for annexation is extensive and is regulated by the requirements of C.R.S. Title 31, Article 12. This plan does not propose specific improvements or land uses for extraterritorial areas; if annexation is considered in the future, a more detailed analysis may be required.

B. Criteria

The Town will annex properties in accordance with annexation policies and criteria set forth in the adopted Silverton Municipal Code and will use a process to evaluate benefits and costs of proposed annexations to ensure that the annexations will offer an overall benefit to the community. Annexation should be consistent with the adopted Master Plan.

The benefits and costs of annexation should be considered on a case-by-case basis. The annexation of County enclaves should take into consideration fiscal, social, and land use factors.

II. Three Mile Boundary

The three-mile boundary is generally depicted in Exhibit A. The land areas described by this document include property in unincorporated San Juan County within the three mile boundary.

It should be noted that in the case of identical ownership of properties that are within and extend beyond the three mile area, the extended areas may be annexed so long as fifty percent of the area lies within three mile boundary.

III. Annexation Eligibility and Processing Criteria

Annexation requests that demonstrate favorable benefits to the residents and taxpayers of the

Town and contribute to the Town's goal for quality growth and enhanced community character will be favorably considered for inclusion into the town. In addition, the Town desires to control the development of adjacent private lands in order to preserve and promote the best interest of the Town and its citizens. An annexation petition must meet all of the requirements of the Municipal Annexation Act and its amendments as well as applicable specific Town of Silverton's Municipal Code criteria. In addition, a conceptual planning map(s) shall be provided that illustrates all streets and other right-of-way connections in the subject property to the existing Town streets and right-of-way; location of the current and proposed Town boundary; location of utilities to which the property will connect; and proposed land use and zoning concepts, if developed. It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- a) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
- b) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Master Plan, as amended from time to time.
- c) The land to be annexed shall not create an unreasonable burden on the physical, social, economic or environmental resources of the Town.
- d) Certain public facilities and amenities are necessary and must be constructed and/or upgraded to Town standards as part of any territory annexed to the Town to ensure the area is served by adequate public facilities. These facilities include, but are not limited to streets, bridges, public parks, recreation areas, school sites, fire and police station sites, and storm drainage facilities.
- e) The annexation of lands to the Town shall not create any additional cost or burden on the then existing residents of the Town to provide such public facilities to any newly annexed area.
- f) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.

IV. General Policy for Annexations:

A. Town Services

In all cases, annexation will be an important consideration before Town services are provided by the Town.

B. Coordination with San Juan County

The Town will use good faith efforts to work with San Juan County to ensure that the Town will be notified of any impending major development activity within one mile of the Town's existing boundary, particularly those that propose primary accesses through the Town or are judged to have other significant impacts on the Town. In addition, the Town will seek comments from San Juan County as a referral entity on annexations petitions received.

C. Conformance with Existing Town Planning Documents

All annexed property shall substantially conform to the current adopted versions of the Town of Silverton Municipal Code, Master Plan, Building Codes and all other applicable local and state statutes.

D. Open Space Requirements

Open space and park or trails dedication shall be a part of any annexation request considering protection of sensitive ecological areas, critical view areas, and prime habitat areas, where appropriate.

E. Benefits/Liabilities

In processing and reviewing annexation requests, Town staff shall prepare Annexation Impact Report, pursuant to SMC 15.1.40, based on the proposed annexation and outline the financial costs and benefits to the taxpayers of the Town.

F. Growth Projections

The Town should continue to develop and update the following projections in order to properly analyze the potential impact of any annexation request and update as necessary:

- Sewer and sewer line capacity;
- Public raw water capacity;
- Public water treatment capacity;
- Public water line capacity;
- Storm water capacity; and
- Minimum water pressure.

The Town shall require that each request for annexation include projections for service needs for the above items and substantiate projections for expected population increase to Silverton as a result of the annexation request.

V. Elements

Land Use

Land uses will be evaluated for consistency with the Town’s Master Plan and for compatibility with adjacent land use patterns. Land uses should be consistent with current Town zoning districts allowed and uses by special review.

Utility Provisions

Water and sewer lines may need to be extended to new areas annexed into the Town. All new water, sanitary sewer and storm water facilities shall meet the Town’s Development Standards. Properties annexing into the Town may be required to pay for extensions of utilities including: water, sewer, electric (San Miguel Power Association). Developers are typically responsible for infrastructure costs.

Zoning

Zoning of annexed areas should allow for provisions of parks, open space and recreation as referenced in the Town Master Plan and Silverton Municipal Code. Areas adjacent to Rivers, Streams, and Lakes are encouraged to be incorporated into open space, parks and recreational opportunities. Parkland dedication or cash in-lieu may be required for new residential subdivisions and development.

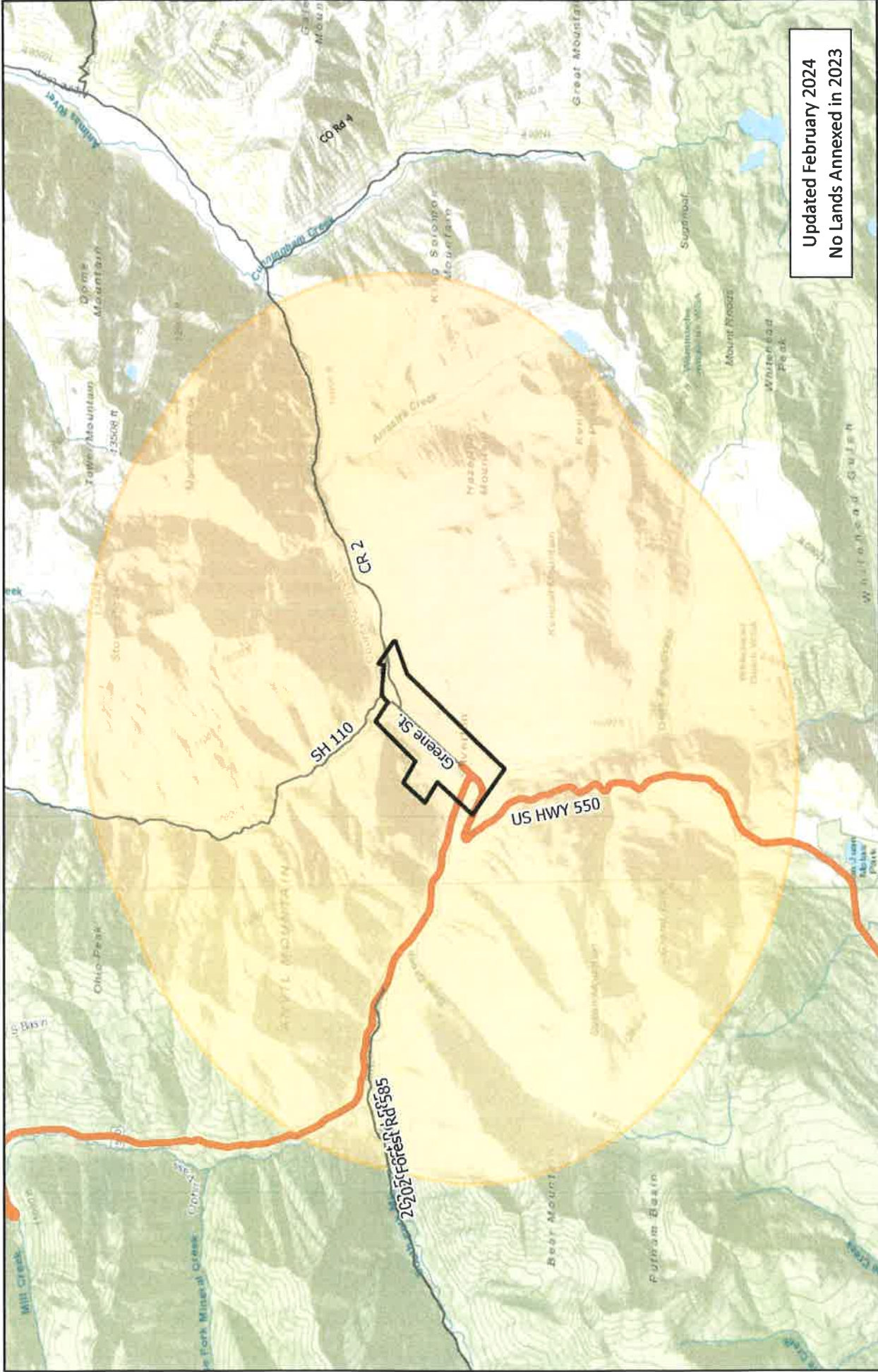
VI. Three Mile Area Acreage Tabulation

The Total Acreage of the three mile area is approximately 26,565 acres.

VII. Summary





The Town of Silverton considers this an important guiding document for our potential growth. It is expected that any annexation consideration, county development, or known or unknown competing interests will follow the principles of this and other community planning documents in the areas identified.

Exhibit A: Three Mile Plan



Updated February 2024
 No Lands Annexed in 2023

Legend

-  Town of Silverton Boundary
-  Silverton 3-Mile Area
-  Highways
-  Roads

Three-Mile Plan

June 2023
 Created by CPS



