

SAN JUAN REGIONAL PLANNING COMMISSION

AGENDA

March 19, 2024 7:00 PM
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 February 20, 2024

7:10 PM Improvement Permit Application:

Adam and Spencer Rex dba Kendall Mountain House LLC. Forst Lode MS 18463
Preliminary/Final Plan Application for the development of a single-family dwelling and associated utility improvements and Vacation Rental on Kendall Mountain adjacent to CR 33

7:30 PM Proposed Amendments to Chapter 16:

Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits

Proposed Amendments Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits

8:00 PM Public Hearing:

Annexation of Anvil Mountain Subdivision 1 & Anvil Mountain Subdivision 2

OTHER:

Times listed above are approximate.

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

ADJOURN: Next Regular Meeting – 7:00 PM, Tuesday April 16, 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 February 20, 2024 at 7:10 PM after waiting to get a quorum together, with roll call showing the following attendance:

Bev Rich	X	Ken Safranski	X
Jim Weller	X	Melissa Childs	X
Sallie Barnev	Absent	Austin Lashlev	X @ 7:20
Jim Harper	X		

Also present via Zoom were Bev Rich, Melissa Childs, Jim Weller, Jim Harper, Shelia Boothe, Chris Masar, Anne Isard, Karen Rathmell, and deAnn Gallegos. Chairperson Jim Weller was unavailable to start so Ken Safranski took over the meeting as Vice Chairperson. Austin Lashlev arrived late. Lucy Mulvihill and William Tookey, County Administrator and Chris Tookey, Secretary were present in the Commissioners Room.

MINUTES: January 16, 2024

Bev Rich made a motion to approve the minutes of January 16, 2024, with a second from Jim Harper. The motion passed unanimously with a show of hands.

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 TBD 5th Street, Block H.

Karen Rathmell, owner, and applicant was present to give the Planning Commission a background on the parcels. Chris Masar CPS was present to give information and answer questions. After discussion with the applicant, Melissa Childs made a motion to recommend to the Town Trustees that they approve the rezoning of the four parcels from Business Automotive (B-A) to Multi-Family Residential (R-2) as presented. Bev Rich seconded the motion and the motion passed unanimously with a show of hands.

USE SUBJECT TO REVIEW APPLICATION: Melissa Childs and Anne Izard: applicants for retail not conducted in a closed building located at 1337 Blair Street.

At this time Melissa Childs, who is a member of the Planning Commission and one of the applicants, recused herself from the meeting and removed herself from the Zoom session. Chris Masar CPS was present to give information and answer questions. Anne Izard was also present to answer any questions as the other applicant. The business, Strictly Roots Ltd proposes to operate a retail business within a 12" X 14' or 12' X 17 canvass wall tent at 1337 Blair Street. The operation times would be 9-5 daily from May to October. There were no public comments made at this time. After positive comments from the Planning Commission Austin Lashley made a motion to recommend to the Town Trustees that they approve the Use Subject to Review application as presented. Jim Harper seconded the motion and it passed unanimously with a show of hands.

Melissa was notified to return to the meeting.

THREE MILE PLAN: TOWN OF SILVERTON 2024

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.

Shelia Booth, AICP, Contracted Town Planner, CPS was present to give an overview for the Plan for 2023. There were no changes made from 2023. This Plan is adopted yearly. Ken Safranski made a motion to recommend to the Town of Silverton to approve this year 2024 Plan with no changes. Jim Harper seconded the motion and the motion passed unanimously with a show of hands.

Letters were sent to the Town of Silverton Trustees regarding each of the agenda items.

The meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Christine M. Tookey, Secretary

Approved _____

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

February 20, 2024

Town of Silverton Trustees
PO Box 250
Silverton, CO 81433

Mayor Shane Fuhrman:
Town of Silverton Trustees RE: **Town of Silverton**
Three Mile Plan

At a meeting of the San Juan Regional Planning Commission on February 20, 2024, members of that Commission discussed the Three Mile Plan presented by Town of Silverton. Sheila Boothe CPS was present to give an overview to the Planning Commission and answer questions. After discussion, the Planning Commission then made a motion to recommend that the Town of Silverton approve the Three Mile Plan for 2024 with no changes. The motion passed unanimously with a show of hands.

Thank you for considering this recommendation.

Sincerely,
The Planning Commission Members and
Ken Safranski, Vice-Chairman

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

February 20, 2024

Town of Silverton Trustees
PO Box 250
Silverton, CO 81433

Mayor Shane Fuhrman:

Town of Silverton Trustees RE: **Town of Silverton**

Use Subject to Review Application For
Retail Not Conducted in A Closed Building
Located at 1337 Blair Street. Applicants:
Melissa Childs and Anne Izard

At a meeting of the San Juan Regional Planning Commission on February 20,2024, members of that Commission discussed the Use Subject to Review Application presented by applicants Melissa Childs and Anne Isard. At this time Melissa Childs, who is a member of the Planning Commission recused herself from the meeting and removed herself from the Zoom session. Chris Masar CPS was present to give an overview to the Planning Commission and answer questions. Anne Izard was present to answer questions regarding the application. 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. Proposed hours of operation will be 9-5 daily. This is a seasonal operation from May through October. After discussion with the applicant, the Planning Commission made a motion to recommend that the Town of Silverton approve the Use Subject to Review application as presented. The motion passed unanimously with a show of hands.

Thank you for considering this recommendation.

Sincerely,
The Planning Commission Members and
Ken Safranski, Vice-Chairman

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

February 20, 2024

Town of Silverton Trustees
PO Box 250
Silverton, CO 81433

Mayor Shane Fuhrman:

Town of Silverton Trustees RE: **Town of Silverton**

Rezoning of four parcels from Business
Automobile District (B-A) to Multiple
Family Residential District (R-2)
TBD 5th Street, Block H

At a meeting of the San Juan Regional Planning Commission on February 20, 2024, members of that Commission discussed the Rezoning of Business Automobile District (B-A) to Multiple Family Residential District (R-2) presented by applicant Karen Rathmell. Chris Masar CPS was present to give an overview to the Planning Commission and answer questions. After discussion with the applicant, the Planning Commission then made a motion to recommend that the Town of Silverton approve the rezoning of the four parcels known as Fractional block H from Business Automotive (B-A) to Multi-Family Residential (R-2) as presented. The motion passed unanimously with a show of hands.

Thank you for considering this recommendation.

Sincerely,
The Planning Commission Members and
Ken Safranski, Vice-Chairman

IMPROVEMENT PERMITS					
Date	Applicant	Property Description	Process	Status	Improvement
1/6/2023	CORE Mountain Enterprises	Ski Area PUD	Full Review	Amend Existing PUD - Conditionally Approved	Chairlift
1/25/2023	Nick Croce-C&G Alpine Partners	Wildcat Lodge & Anglo Saxon Sandusky Lodge MS 1345	Full Review	Amend Existing Permit - Conditionally Approved	Water Storage/Parking Area
2/8/2023	Kate and Aaron Careaga	Charleson Placer MS 12365	Full Review	Sketch Plan Review - Conditionally Approved	Cabin
2/17/2023	Fred App	Lot 2-4 Cole Ranch	Administrative Review	Application - Approved	Secure Basement Storage
2/17/2023	George Riley	Lot 6 Cole Ranch	Administrative Review	Amend Existing Permit - Approved	Driveway
3/1/2023	Steve and Melanie Stalzer	Lot 13R Twilight Meadow	Administrative Review	Administrative Review - Approved	Single Family Dwelling
3/7/2023	Parker Harrell	Tract 4 Know Your Neighbor	Administrative Review	Administrative Review - Withdrawn	3226 sf home
3/7/2023	Wise-Westerholm	Forst Lodge MS 18463	Full Review	Amend Existing Permit - Approved	Single Family Dwelling
3/15/2023	Adam Rex	Forst Lodge MS 18463	Full Review	Approved With Conditions	2000 sf cabin
3/15/2023	Adam Rex	Mineral King MS 2051	Full Review	Denied	Vacation Rental
3/17/2023	Mineral King LLC	Lot 1 Cole Ranch	Commissioner Review	Approved With Conditions	1000 sf cabin
4/24/2023	Todd and Julie Sams	Lot 7 Mill Creek Lodge	Administrative Review	Amend Subdivision Plat - Conditionally Approved	Single Family Dwelling
5/19/2023	Michael and Carrie Anne Oliver	Shelbyville Lodge MS 18168	Full Review	No Current Activity	Single Family Dwelling
6/27/2023	Colby Barrett-Bonanza Boy LLC	Shelbyville Lodge MS 18168 et al	Full Review	Approved	Mining Reclamation VCUP
6/27/2023	Colby Barrett-Bonanza Boy LLC	Ophir Pass to Burro Bridge	Administrative Review	Sketch Plan Review - Conditionally Approved	Silver Cloud Lodge PUD
8/2/2023	Ti-State Generation And Transmission	Eastern Star Placer MS 17680	Full Review	Administrative Review Completed	Vegetation Management
10/2/2023	Richard Smiley-Silverton Glamping LLC	Gladstone Girl Lodge MS 17271	Full Review	Administrative Review Completed	Glamping Resort
12/13/2023	Charlie and Bruce Hoch				1000 sf cabin

Other

6/12/2023 Adopt Resolution 2023-06 to amend Chapter 10 Floodplain Impact Analysis of the San Juan County Zoning and Land Use Regulation

MEMORANDUM

March 19, 2024

TO: San Juan Regional Planning Commission

FR: William A. Tookey

RE: Forst Lode MS 18463

Adam and Spencer Rex dba Kendall Mountain House LLC has submitted a Preliminary/Final Improvement Permit application for the development of a 3900 Sq. Ft. single family dwelling and associated utility improvements on the Forst Lode MS 18463. The property is located on Kendall Mountain and will be accessed by Country Road 33. The applicant is also requesting that a vacation rental/commercial use of the property be approved. The property would be used as a vacation rental during the summer months and a commercial backcountry lodge during the winter.

A Sketch Plan Application was previously submitted to the Planning Commission for your review and recommendation and for consideration by the Board of County Commissioners. The application was submitted to amend their previous Improvement Permit Application which allowed for a 2000 sq. ft. cabin but denied the use of the property as a vacation rental. The current application would include the construction of a 3-bedroom, 3 bath single family dwelling of up to 3900 sq. ft. The footprint of the house would remain the same as the original 2000 sq. foot cabin but would include a loft and a covered porch. The application also requests the use of the property during the summer months as a vacation rental and during the winter months as a commercial backcountry lodge restricted to guests that are accompanied to and from the property by qualified guides.

The Planning Commission recommended to the Board of County Commissioners that the sketch plan application be conditionally approved. During their regular meeting of February 14, 2024, the County Commissioners approved the sketch plan application for the construction of a 3900 sq. ft. cabin and associated utility improvements with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Forst 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 Deer Park Trail and CR 33 be identified on the certified survey site and signed by a Colorado Licensed Surveyor.
6. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
7. That the septic system be engineered and permitted.
8. That the on-site water be tested for potability and measured for volume.
9. That a Colorado licensed surveyor stake the property to identify the location of the cabin, porch, deck, parking, and other improvements. Install story boards at the four corners of the cabin at the maximum height of the cabin and identify the trees that will be removed for the construction. This is required to determine the impact the improvements may have on the scenic value of the site.
10. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

Furthermore, the San Juan County Commissioners conditionally approved the property for use as a vacation rental and commercial backcountry lodge, with the following conditions agreed upon and/or demonstrated prior to the issuance of an Improvement Permit:

1. That the vacation rental be allowed only between May 1st and October 31st.
2. That off-street parking be designated on the property.
3. That the commercial use of the property from November 1st and April 30th shall only be allowed if the guests are accompanied by a qualified backcountry guide that has adequate experience and training in avalanche safety. The guide must accompany the guest(s) from the Town of Silverton to the site, stay with the guest(s) at the site, supervise the guest(s) outdoor recreational activities during their stay, and accompany the guest(s) back to the Town of Silverton when they leave the site.
4. That the applicant develops avalanche risk protocol that would include prohibiting access to the cabin or leaving the cabin during extreme avalanche danger, emergency evacuations, and adequate food, water and heat for unexpected extended stays.

5. That the applicant provides a winter parking plan that designates that the qualified guiding company would be responsible for the storage and parking of vehicles.
6. That the applicant obtains a sales tax license from the Colorado Department of Revenue and collects sales tax and lodging tax as required.
7. That the applicant submits a renewal application annually providing the number and dates that the cabin was occupied for commercial purposes. Proof of insurance to operate a vacation rental. Qualifications of the guide(s) and proof of their insurance and licensing or permit as necessary.
8. That the applicant fully and completely understands and complies with these conditions. Failure to do so will result in the revocation of the use of the property as a vacation rental/commercial property.

The applicant has submitted an Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips and San Juan Expeditions/Kendall Mountain House Agreement for the winter use of the property. Copies of Winter Risk Protocol and San Juan Expeditions were provided to Sheriff Bruce Conrad, Emergency Manager Jim Donovan, Ambulance Director Tyler George, Building Inspector Bevan Harris and County Attorney Dennis Golbricht for their review and comment. Sheriff Conrad responded with "I see no issues. Many of the players are known to us and practice good backcountry protocols."

Attorney Golbricht pointed out that:

1. Neither the proposed Protocol nor Agreement requires the guides to stay at the lodge as was mandated.
2. There should be some method for transferring the guide service to a different entity if the need arises. For example, "Any replacement guide service necessitated for any reason, must be pre-approved by San Juan County. Approval may be denied based upon factors such as safety record, lack of experience, or inability and/or unwillingness to comply with terms as required by San Juan County, applicable to the Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips."

Emergency Manager Donovan stated that the guides need to stay at the lodge could be added to the operating plan. He also pointed out that San Juan Expeditions would not be able to transfer their permit time to another entity as that would violate their Permit with the BLM. Manager Donovan stated, "I think the main item is emphasizing that EMS/SAR services may be limited in the event of extreme weather/avalanche risk if the group is already at the facility."

Both the Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips and the San Juan Expeditions/Kendall Mountain House Agreement needs to clearly state that:

The guide must accompany the guest(s) from the Town of Silverton to the site, stay with the guest(s) at the site, supervise the guest(s) outdoor recreational activities during their stay, and accompany the guest(s) back to the Town of Silverton when they leave the site.

Additionally, the Risks Protocol and Agreement needs to address the financial issues concerning a cancelled, truncated, or extended stay at the cabin. I would like to minimize any financial impact upon the decision making to determine if a trip should be cancelled, truncated or extended. As such I would suggest that there be no extra charge incurred by the guests for an extended stay and that they receive refunds for cancelled and/or truncated trips.

The San Juan Expeditions/Kendall Mountain House Agreement states under **Responsibilities of Kendall Mountain House LLC: KMH agrees to: 2. Allow SJE to remain at the house longer than the original booking in case of adverse weather conditions that make leaving the house unsafe. The cost for staying in the house for these unplanned nights will be half the cost of the booked nights.**

Included in the Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips and as a condition of approval it should be noted that any change in ownership of the property or a change in guide service would cause the vacation rental/guest housing for commercial backcountry use shall be terminated immediately. A new application would then need to be submitted to the Board of County Commissioners for approval. Approval may be denied based upon factors such as safety record, lack of experience, or inability and/or unwillingness to comply with terms as required by San Juan County, applicable to the Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips,” or non-compliance with other Federal or State requirements.

The Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips and as a condition of approval should include the maximum capacity for the cabin including the guide.

The San Juan Expeditions/Kendall Mountain House Signed Agreement should also include:

1. Language that states that San Juan Expeditions will be responsible for the storage and parking of guest’s vehicles and said storage and parking will be in compliance with the Town of Silverton’s snow removal regulations.
2. That Kendall Mountain House provides proof of adequate insurance for the property.
3. The qualifications and certifications of any additional guides not currently on the List of San Juan Expeditions Guides and their Certifications shall be provided to Kendall Mountain House LLC and San Juan County prior to their use of the cabin.

4. That an updated list of San Juan Expeditions Guides and Certification and proof of Insurance shall be provided annually to Kendall Mountain House LLC and San Juan County no later than October 15th.

The applicant updated his Scenic Quality Report. He visited the site and installed four 30-foot story poles at the corners of his proposed cabin. The story poles were not visible from US 550 and minimally from CR 33.

The Planning Commission has two separate items to make a recommendation on. The first is the amendment to the improvement permit to allow for the construction of a 3900 sq. ft. single-family dwelling. The second is the use of the property for a vacation rental/commercial backcountry lodge. The Planning Commission has the option to recommend approval as submitted, approval with conditions or denial.

Should the Planning Commission choose to recommend approval of the improvement permit to construct a single-family dwelling on the Forst Lode, they should do so with the following conditions agreed upon and/or demonstrated prior to the issuance of an Improvement Permit:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Forst 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 Deer Park Trail and CR 33 be identified on the certified survey site and signed by a Colorado Licensed Surveyor.
6. That the applicant be placed on the Town of Silverton's Utility billing system for refuse and the property continue with such service.
7. That the septic system be engineered and permitted.
8. That the on-site water be tested for potability and measured for volume, and determined suitable to provide adequate potable water for the requested use.

9. That a Colorado licensed surveyor stake the property to identify the location of the cabin, porch, deck, parking, and other improvements. Story boards shall be placed at the four corners of the cabin at the maximum height of the cabin. All trees that will be removed for the construction shall be identified. That the Land Use Administrator or his representative visit the site when this has been completed. This is required to determine the impact the improvements may have on the scenic value of the site.
10. Provide a survey plat completed and signed by a Colorado licensed surveyor, showing all improvements for the property. That would include the cabin site with porch and deck, driveway, onsite wastewater treatment system, water storage, etc. A vicinity map showing the surveyed boundaries of the property depicted on a 1:24,000 topographic map. 2 copies of all survey plats, maps etc. need to be provided in a full size 24x36 inch format.
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.

Should the Planning Commission choose to recommend approval of the improvement permit to allow for a vacation rental and commercial backcountry lodge they should do so with the following conditions agreed upon and/or demonstrated prior to the issuance of an Improvement Permit:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. That the vacation rental be allowed only between May 1st and October 31st and is conditional upon wheeled access to the property.
3. That sufficient off-street parking be designated on the property and that parking on CR 33 be prohibited.
4. That the commercial backcountry lodge use of the property be allowed from November 1st and April 30th shall only be allowed if the guests are accompanied by a qualified backcountry guide that has adequate experience and training in avalanche safety. The guide must accompany the guest(s) from the Town of Silverton to the site, stay with the guest(s) at the site, supervise the guest(s) outdoor recreational activities during their stay, and accompany the guest(s) back to the Town of Silverton when they leave the site.
5. That the applicants Kendall Mountain House Winter Safety Protocol include prohibiting access to the cabin or leaving the cabin during extreme winter weather or avalanche danger, emergency evacuations, and maintaining

adequate food, water and heat for unexpected extended stays. The Winter Safety Protocol shall include the following:

- A. The guide must accompany the guest(s) from the Town of Silverton to the site, stay with the guest(s) at the site, supervise the guest(s) outdoor recreational activities during their stay, and accompany the guest(s) back to the Town of Silverton when they leave the site.
 - B. To minimize the financial impact upon the decision making concerning the safety of the guests. There should be no extra charge incurred by the guests for an extended stay and guests shall receive a refund commensurate to the dates the backcountry lodge is not used due to a truncated or cancelled trip.
 - C. That any change in ownership of the property or a change in guide service would cause the vacation rental/guest housing for commercial backcountry use to be terminated immediately. A new application would then need to be submitted to the Board of County Commissioners for approval. Approval may be denied based upon factors such as safety record, lack of experience, or inability and/or unwillingness to comply with terms as required by San Juan County, applicable to the Extreme Weather and Avalanche Risk Protocol for Kendall Mountain House Trips,” or non-compliance with other Federal or State requirements.
 - D. That the applicant provides a maximum capacity including the guide for stay at the Kendall Mountain House.
6. The following shall be added to the San Juan Expeditions/Kendall Mountain House Signed Agreement:
 - A. San Juan Expeditions will be responsible for the storage and parking of guest’s vehicles and said storage and parking will be in compliance with the Town of Silverton’s snow removal regulations.
 - B. That Kendall Mountain House provides proof of adequate insurance for the property.
 - C. The qualifications and certifications of any additional guides not currently on the List of San Juan Expeditions Guides and their Certifications shall be provided to Kendall Mountain House LLC and San Juan County prior to their use of the cabin.
 - D. That an updated list of San Juan Expeditions Guides and Certification and proof of Insurance shall be provided annually to Kendall Mountain House LLC and San Juan County no later than October 15th.
 7. That the applicant obtains a sales tax license from the Colorado Department of Revenue and collects sales tax and lodging tax as required.
 8. That the applicant submits a renewal application annually providing the number and dates that the backcountry lodge was occupied for commercial purposes, together with proof of insurance to operate a vacation rental,

qualifications of the guide(s) and proof of their insurance and licensing or permit as necessary.

9. That the applicant fully and completely understands and complies with these conditions. Failure to do so will result in the revocation of the use of the property as a vacation rental/commercial backcountry lodge.
10. That the applicant fully and completely understands that in addition to applicability of the provisions of the San Juan County Zoning and Land Use Regulations, the County may deny renewal or revoke the permit based upon a failure to comply with any conditions, a failure to adequately demonstrate the ability to comply in the future, and/or high levels of risk to the public based upon continued similar use. Together with any other relevant evidence of high levels of risk, the County may consider past incidents, expert opinions, and recommendations of emergency services personnel.
11. The applicant agrees to indemnify and hold harmless the County, its officers, administrators, employees, representatives, and emergency personnel, for any claims and/or damages related to the leasing, usage and operation of the vacation rental and commercial backcountry lodge.
12. Any other conditions that the Planning Commission deems necessary.

Should the Planning Commission choose to deny the vacation rental/commercial use they should do so for the following reasons:

1. Off-street dedicated parking spaces are not available at all times as required by Section 4-110.21(iii)(a).
2. The proposed vacation rental is not safely accessible for guests and emergency responders as required by Section 4-110.21(iii)(b).

THE FOLLOWING INFORMATION WAS PROVIDED DURING THE SKETCH PLAN REVIEW AND IS INCLUDED FOR YOUR CONVENIENCE.

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 Forst Lode is 10.36 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 collect water from a spring on the property and store it in a 1500 gallon cistern located in the basement of the house. The applicant has submitted a Notice of Intent to Make Absolute for water rights on the spring.

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

The applicant had previously submitted an On-Site Wastewater Treatment Permit Application to San Juan Basin Health. A new application will need to be submitted to the La Plata County Health Department.

- 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. The applicant did construct a 30' story pole on the cabin site and was unable to see the pole from US 550. The applicant will need to have a Colorado licensed surveyor stake the property to identify the location of the cabin, porch, deck, parking, and other improvements. The applicant will also need to**

identify the trees that will be removed and what impact they may have on the scenic values.

- 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 33.

- 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.

A portion of the property is located in an avalanche hazard area. However, the cabin would be constructed outside of the Avalanche Hazard. Access to the site would require crossing avalanche paths that could put the occupants and emergency responders at risk.

The County Geohazards Map identifies that the cabin will be built on a talus slope.

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

The Deer Park Trail and CR 33 cross the property. 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.

VACATION RENTAL

The applicant has requested that the property be allowed for use as a vacation rental only during the summer season. During the winter season it would be used commercially by qualified backcountry guides. San Juan Expeditions has provided a letter of support.

The County Zoning and Land Use Regulations require the following:

1. That adequate emergency communications and off-street dedicated parking are available at all times to quests.

The property does have cell phone access and will also have satellite internet. There will be two dedicated off-street parking spaces available on site during the summer and fall season. There are no dedicated off-street parking spaces available during the winter. The qualified guiding company would be responsible for the parking of vehicles.

2. The proposed rental is safely accessible year-round not only to occupants but to emergency services as well.

The applicant would mitigate the avalanche danger by requiring that guests be escorted to the property by a qualified backcountry guide.

San Juan County Colorado Application for Improvement Permit

Applicant: Adam Rex and Spencer Rex DBA Kendall Mountain House LLC

Date: 3/2/2024

Property: Forst Lode Claim

Description of build: 3 bed, 3 bath house, up to 3900sqft

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Application for Improvement Permit

San Juan County, Colorado

Application for Improvement Permit

APPLICANT AS CHIEF SUBJECT		Township	Date
Name: Adam and Spencer Rex	Address: PO Box 179 Escalante UT 84726	Phone: 801-618-1119	
Name: same as above	Address: same as above		
Name: Adam Rex	Address: PO Box 179 Escalante UT 84726		
Legal Description of Property:			
Forst Lodge, Mineral Survey #18463			
Township: N Range: W Section:			
Nature of Improvement Proposed:			
<ul style="list-style-type: none"> - Up to 3900 sqft Cabin - Septic System - Propane heating system - Driveway and parking area - Solar Panels and battery electrical system - Water piping to cistern to store water 			
Land Use Zone:			
Applicant Signature:			
<i>Spencer Rex</i>			
Date Application Requested:			
Date Submitted for Review:			
Date Permit Issued:			
Date Permit Denied:			
Reason for Denial:			
Request: IMPROVEMENT			
Application			
Building Permit			
Subdivision PUD			
Hearing Notice			
Lead Use Administrator			
Township of Notice			
Township of Materials			
Neighborhood Map			
Certified Survey Plat			
Measurement			
Block Plan Map			
Plans and Drawings			
Road System Relationship			
Zoning Compatibility			
New Mining Permit			
Other Notifications			
Archaeology Hazard			
Geologic Hazard			
Hydrologic Hazard			
Wildfire Hazard			
Street Sewerage Impact			
Wildlife Impact			
Historic Site Impact			
Waterbed Location			
Energy Production Impacts			
Building Permit			
State Electrical Inspector			
Division of Permit			
San Juan Waste District			
Sewage Disposal Test			
Design			
Final Sewage Collection			
State Division of Water Resources			
Adequate Water Source			
Well Permit			
Control Water Distribution			
N. Forest Service R.E.M.			
Access Approval			
State Division of Highways			
Driveway Permit			
Subdivision Variance			
Subdivision Approval			
PUD Approval			

Background/Updates

Adam Rex previously obtained an improvement permit to build a 2000 square foot house on the Forst Lode Claim on September 14th 2022. During this process, permission to use the house as a vacation rental was proposed and denied by the county commissioners. Denial of our application was because our plan of access for guests during the winter wasn't deemed safe by the commission.

In this new application, we are asking for 3 changes to the approval already received. The first is to increase the square footage of the house to up to 3900 square feet. The increase is due to the addition of a loft and a covered porch, the footprint of the actual house hasn't changed. The second approval will be for home access for guests in the winter. The third is for vacation rental usage of the house in the summer. Additional details are in the project overview and commercial use sections.

Since obtaining the initial improvement permit, ownership of the Forst Lode was transferred from Adam Rex's name to Kendall Mountain House LLC, which is owned by Adam and Spencer Rex.

Project Overview

This application is to build up to a 3900 sqft, 3 bed, 3 bath house on Kendall Mountain, just off of County Rd 33. Adam is a licensed general contractor from Escalante Utah and will be building the house himself. Adam has over 20 years of experience building upscale homes in Lake Tahoe, California and in Escalante, Utah. Some examples of his work include the Escalante Cliff House and Birch Creek House in Escalante Utah (escalantecliffhouse.com & birchcreekhouse.com).

We're seeking permission to use the house as a normal vacation rental in the summer. In the winter, the house will only be used by guests who are guided to the property by a back country guiding company who is permitted to guide on Kendall Mountain, such as San Juan Expeditions. These are the standards to which similar back country lodges in the area operate.

The house will be invisible from county road 33 or highway 550. We put story poles up on the property that are higher than the house will be, and we couldn't see them from either road.

The cumulative impact of the house on the surrounding properties will be very small for the simple fact that most of the surrounding land is BLM land. Within 1500' of the property, there are only 2 other properties, the Manson Claim and the Lady Forst Claim and both of those claims have no improvements.

This house will be completely off the grid and will be built in such a way as to cause minimal disturbance to the beautiful mountain landscape surrounding it. Water will be drawn from a spring on the property that will be piped to the house and stored in a 1500-gallon cistern in the basement of the house. This water will be used for domestic uses as well as for firefighting if the need arise.

Wastewater will be treated on site using a waste water treatment system.

For electricity, solar panels will be installed on the roof with batteries in the basement. For house heat, water heaters, stove and oven we will use propane. The propane tank will be 500 gallons and will sit just to the side of the house.

The development will be in compliance with San Juan County Dark Skies Regulations and San Juan County Fire Regulations.

Commercial Use

Winter

During the winter, the property will operate as a back country lodge and only be accessible via snow machine or skis. The only paying customers that will access the house in the winter will be escorted by guides that are licensed to guide on Kendall Mountain. We have a signed contract in place with San Juan Expeditions to provide this service for us.

Parking for guests in the winter will be coordinated by the company escorting the guests, which is a service they provide to all their guests. The company will be responsible for moving vehicles for snow plow operations.

Summer and Fall

The house will be accessible during the summer/fall by 4WD/OHV. We will ensure that there is parking for at least 2 vehicles at the house and make it a rule that guests aren't allowed to park on CR33. We will reserve the right to cancel bookings if the fire danger in the area becomes extreme so as to not endanger our guests or first responders.

Spring

We anticipate that there will be a mud season in the spring where getting to the house will be impossible. Depending on the year we think this'll be sometime in the April-June timeframe. The house will remain unoccupied during mud season so that we or our guests aren't tearing up the road or getting stuck going to and from the house.

Scenic Quality Report

Overview

In March 2024, 4 30' story poles with yellow hunting vests on top were erected on the proposed build site. 30' was chosen as this will be the max height for the house. It was immediately obvious that the trees surrounding the house are much higher than 30'. After setting up the pole, we went to try and spot it from CR33 and highway 550. A portion of the house will be visible from CR33 but it will be invisible to the naked eye from highway 550 due to the trees between the house and highway 550 as well as the long distance across the valley from highway 550 to the build site.



Figure 1. The location of the proposed building location, marked with 4 30' story poles at the corners.



Figure 2. The location of the proposed building location, looking west.

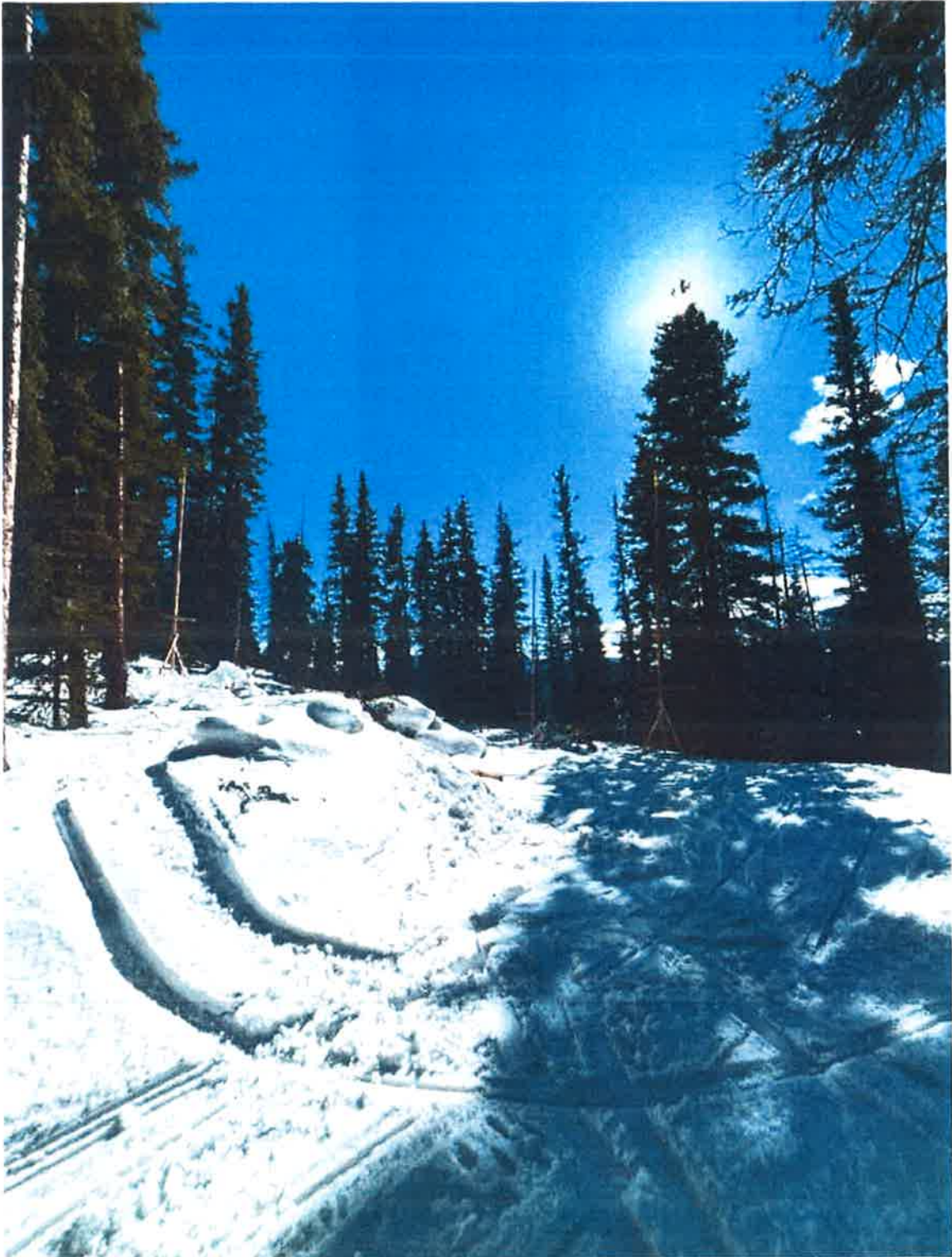


Figure 3. The location of the proposed building location, looking southwest.

Figure 5. Showing that the direction of the photo in figure 4 is looking SW towards the build site from county road 33.



Figure 6. A 10x zoom photograph taken from highway 550 looking NW across the Animas River. The red circle indicates the area where the story pole is. We were not able to visually locate the story pole from highway 550.



Figure 6. A photograph taken from highway 550 looking NW across the Animas River. The red circle indicates the area where the story poles are. We were not able to visually locate the story pole from highway 550.

Cumulative Impact Report

Summary

The building of a house on the Forst Lode Claim will not have a large impact on surrounding land owners. This is mostly because there are only 2 claims within 1500ft of the ALO map produced for this project by Kim Buck. Those claims are the Lady Forst Claim and the Manson Claim. The details and description of the Claims are below. The data gathered for this report are the same as other cumulative impact reports that Lisa Adair has done in the past.

Manson Claim

This claim is owned by Adam Rex (49%) and Michael Steadman (51%). The land is accessible as CR33 passes through it. The claim is 8.99 acres and contains some avalanche zone and geologic hazard zone. The property is mostly wooded with some clearing and is all below 11000ft. This property has no improvements on it and is unlikely to be built on for the simple fact that I, Adam Rex, own half of it and I have no desire to develop it.

Lady Forst Claim

This claim is owned by William Rogers (100%). The land is accessible as CR33 passes through it. The claim is 8.25 acres and contains some avalanche zone and very little geologic hazard zone. The property is mostly wooded with some clearing and is before the Forst Lode claim as you drive from Silverton up CR33. This property has no improvements on it but could probably be built on some time in the future.

Building Permit Application



Building Permit Application

Address of Job Site County Rd 33 TBD - Forst Lane

Class of Work:

NEW ADDITION ALTERATIONS REPAIR MOVE OTHER

Property Owner: Adam and Spencer Rex Phone: 435-618-1119

Mailing Address: Po Box 178

City: Escalante State: UT Zip Code: 84726

Email Address: RexCavation@gmail.com

Contractor: Adam Rex Phone: 435-618-1119

Legal Description:

LOT NO (S) 18463 BLOCK: _____ ZONE: _____ (If Applicable) ADDITION

Hazard: NONE FLOOD AVALANCHE SLOPE

Structural Information:

Req if NEW Structure: Survey Provided: YES NO Plot Plan Provided: YES NO

Designed By: _____ LICENSE # _____
SQ FT < 3900 HEIGHT ≤ 30' TOTAL UNITS 1 TOTAL ROOMS: 3

Describe All Work To Be Done:

Construction of a 3 bed, 3 bath, ~3900sqft house with the associated water works and septic system

Printed Name Spencer Rex

Signature: [Signature]

Date: 12-27-23

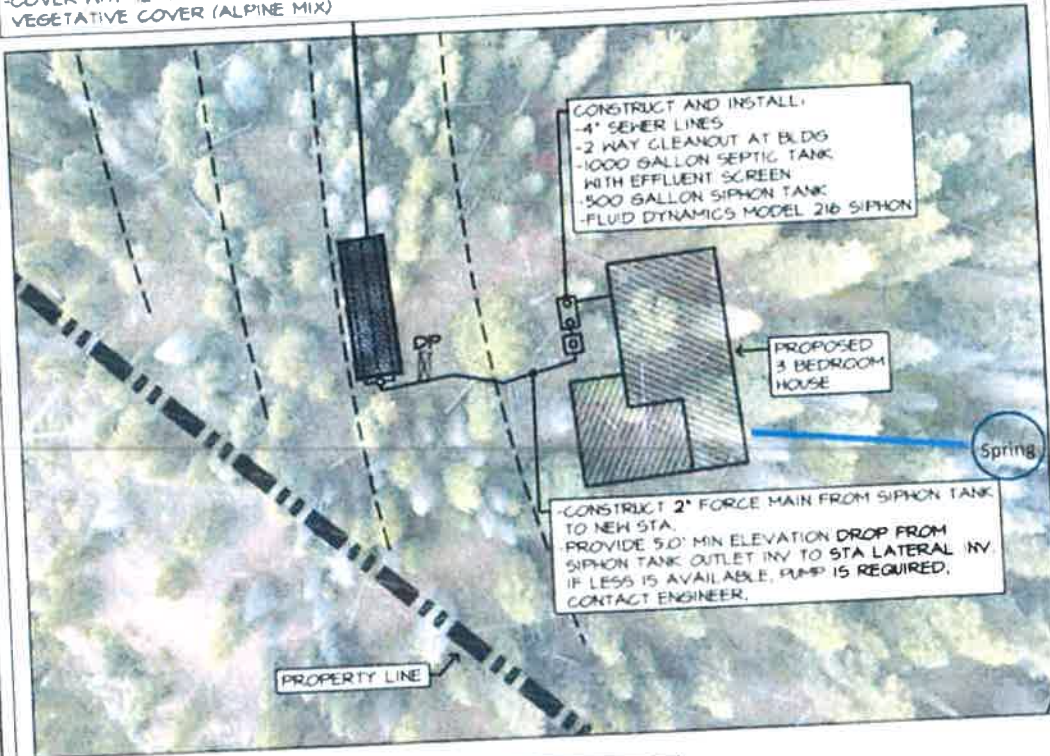
(Staff Use ONLY)

Total Estimated Valuation of Work: \$
(Including Labor and Materials)

Estimated Permit Fee: \$

Basic Plan Map

- CONSTRUCT NEW SOIL TREATMENT AREA (STA) (UNLINED SAND FILTER BED WITH PRESSURE DISTRIBUTION)
- EXCAVATE 12' X 30' BED INTO FRACTURED BEDROCK, MIN 60" DEEP
- THOROUGHLY FRACTURE BEDROCK BY MECHANICAL/BLASTING MEANS TO RESULT IN FREE DRAINING CONDITIONS BELOW BED
- FILL BED WITH 36" MIN OF "SAND FILTER TREATMENT MEDIA" (SEE SAND SPECIFICATIONS ELSEWHERE)
- PLACE 8" LIFT OF 3/4" WASHED CRUSHED OR SCREENED STONE
- CONSTRUCT PRESSURE DISTRIBUTION SYSTEM (SEE NOTES ELSEWHERE)
- PLACE 4" LIFT OF 3/4" WASHED CRUSHED OR SCREENED STONE COVER
- COVER BED WITH GEOTEXTILE FABRIC
- COVER WITH 12" MIN SANDY LOAM / TOPSOIL. GRADE SYSTEM AREA TO DRAIN, AND ESTABLISH FINAL VEGETATIVE COVER (ALPINE MIX)



CONSTRUCT AND INSTALL:
 -4" SEWER LINES
 -2 WAY CLEANOUT AT BLDG
 -1000 GALLON SEPTIC TANK WITH EFFLUENT SCREEN
 -500 GALLON SIPHON TANK
 -FLUID DYNAMICS MODEL 216 SIPHON

PROPOSED 3 BEDROOM HOUSE

Spring

-CONSTRUCT 2" FORCE MAIN FROM SIPHON TANK TO NEW STA.
 PROVIDE 5.0' MIN ELEVATION DROP FROM SIPHON TANK OUTLET INV TO STA LATERAL INV. IF LESS IS AVAILABLE, PUMP IS REQUIRED, CONTACT ENGINEER.

PROPERTY LINE

ALL LOCATIONS MAY VARY

LOCATE WELL/CISTERN
 MIN 50' FROM SEPTIC TANK
 MIN 100' FROM STA

WATER SUPPLY: TO BE DETERMINED
 EXISTING DATA FROM SAN JUAN COUNTY GIS
 OR 8/27/22 AERIAL PHOTOGRAPHY
 ALL LOCATIONS ARE APPROXIMATE ONLY



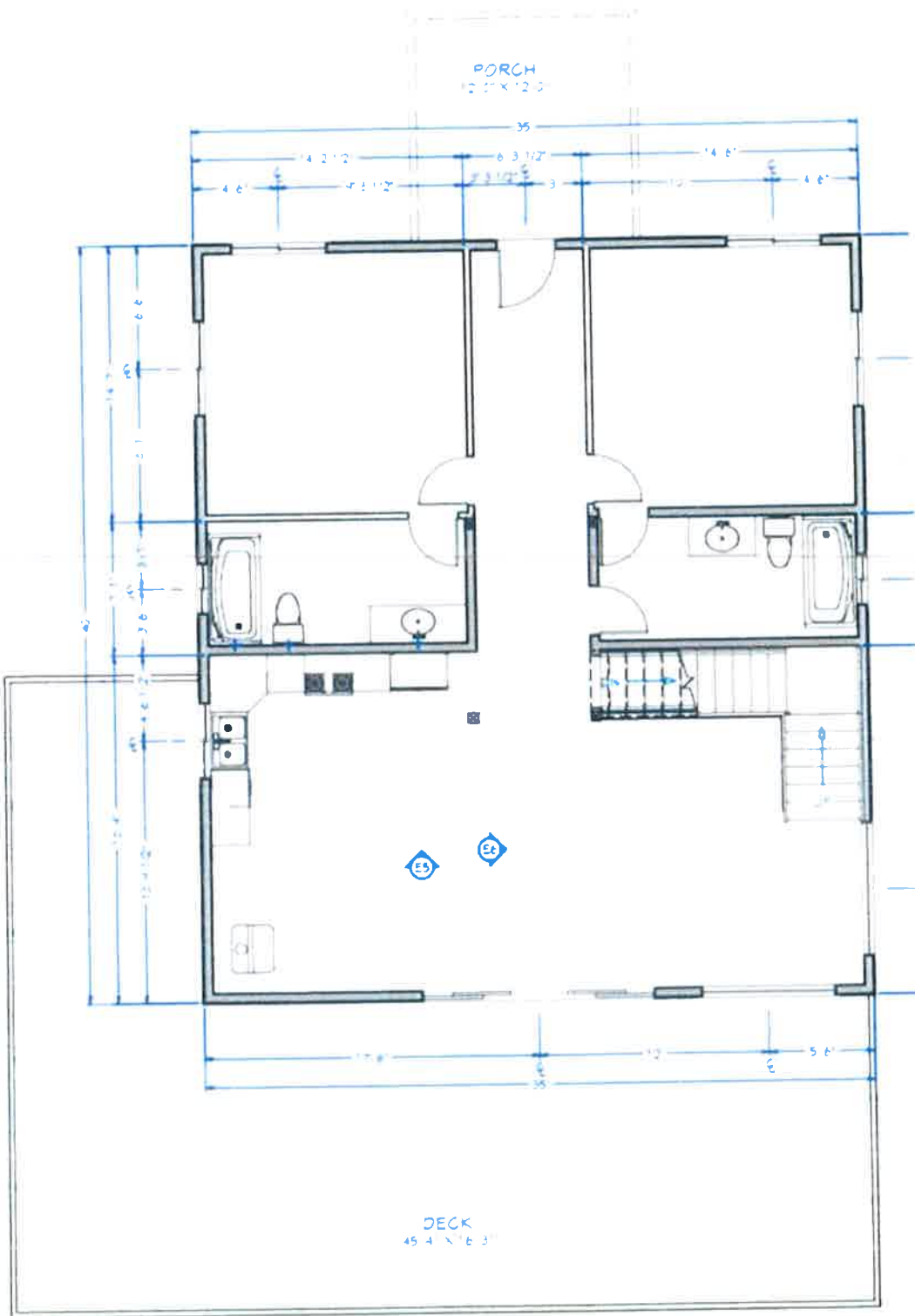
dudley ashwood, p.e.
 civil engineer

SITE PLAN
 PROPERTY OF REX ADAM
 CR 33 - MS 18463 - FORST
 SILVERTON, CO

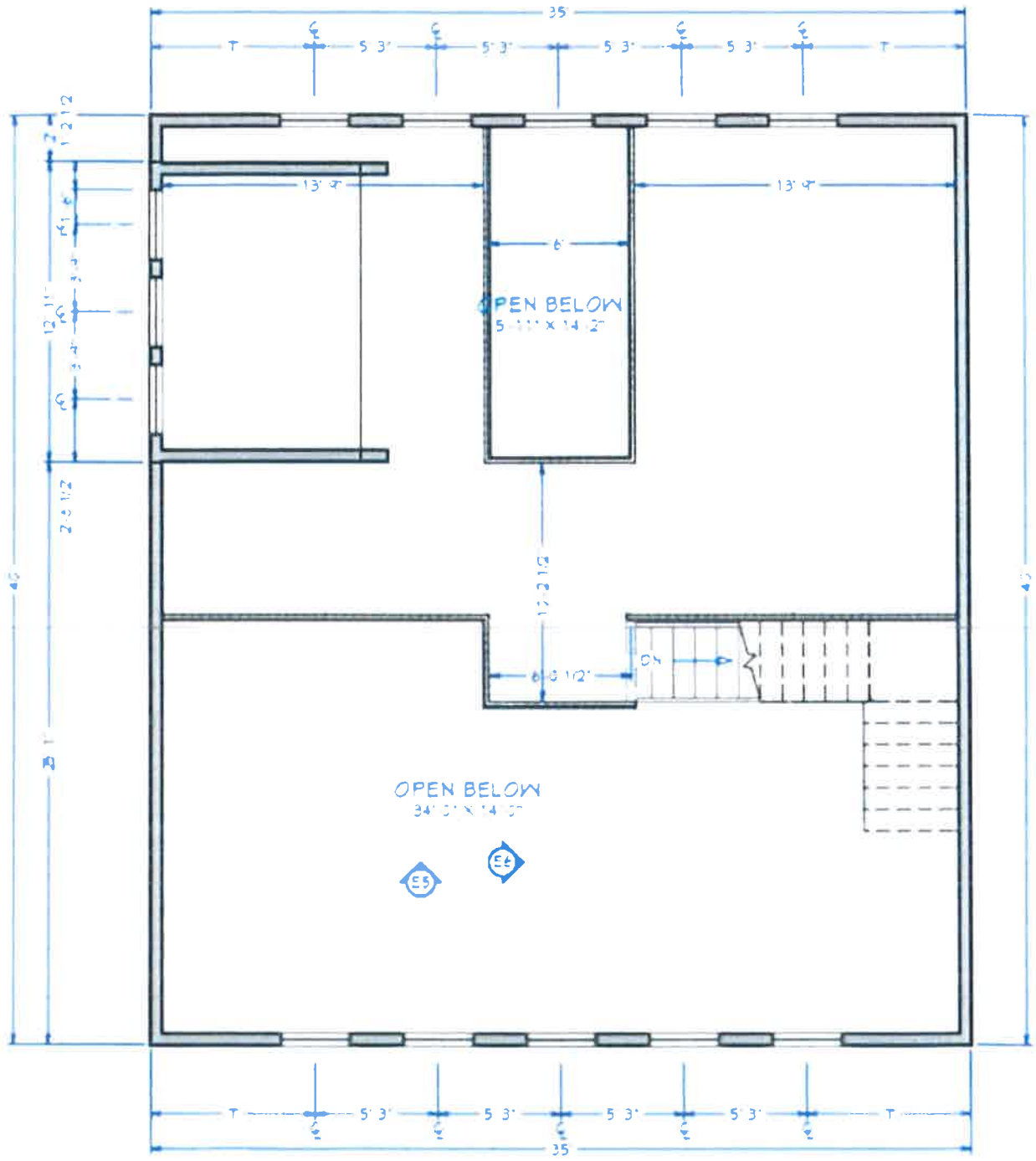
SEPTEMBER 12, 2023
 SCALE 1" = 40'



Plans and Drawings



1st Floor



Loft

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 3. MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN ON THE DRAWINGS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL NEIGHBORHOODS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL FEATURES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC FEATURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CULTURAL RESOURCES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ARCHAEOLGICAL RESOURCES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC ARCHITECTURE.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC LANDSCAPE ARCHITECTURE.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC STRUCTURES.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC DISTRICTS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC MONUMENTS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC SITES.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC STRUCTURES.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC LANDSCAPE ARCHITECTURE.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC STRUCTURES.

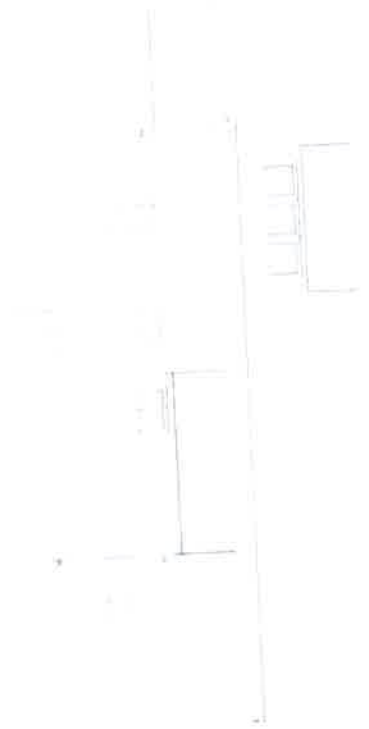
1. NORTH ELEVATION



3. SOUTH ELEVATION



2. EAST ELEVATION



4. WEST ELEVATION



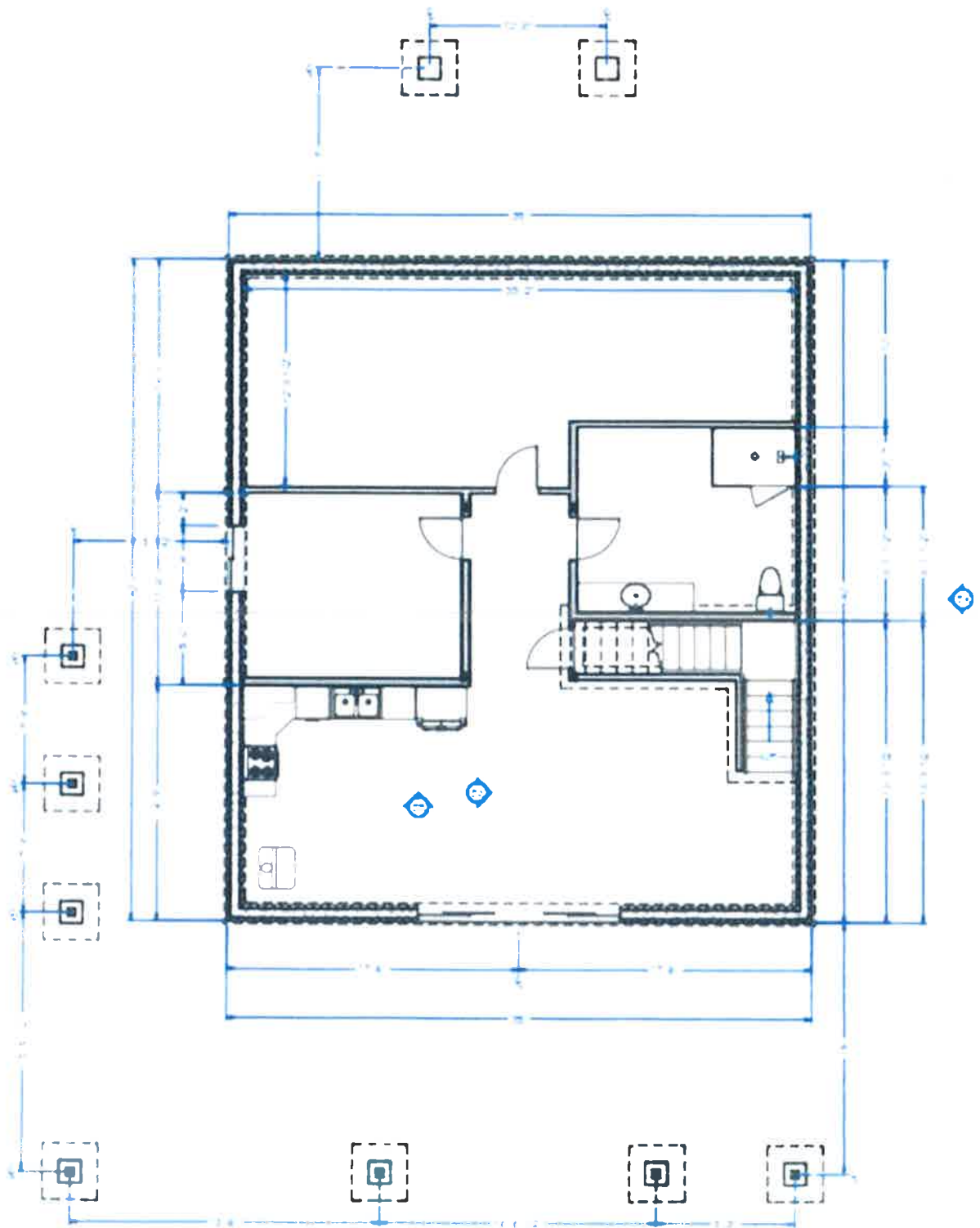
A-3
ELEVATION

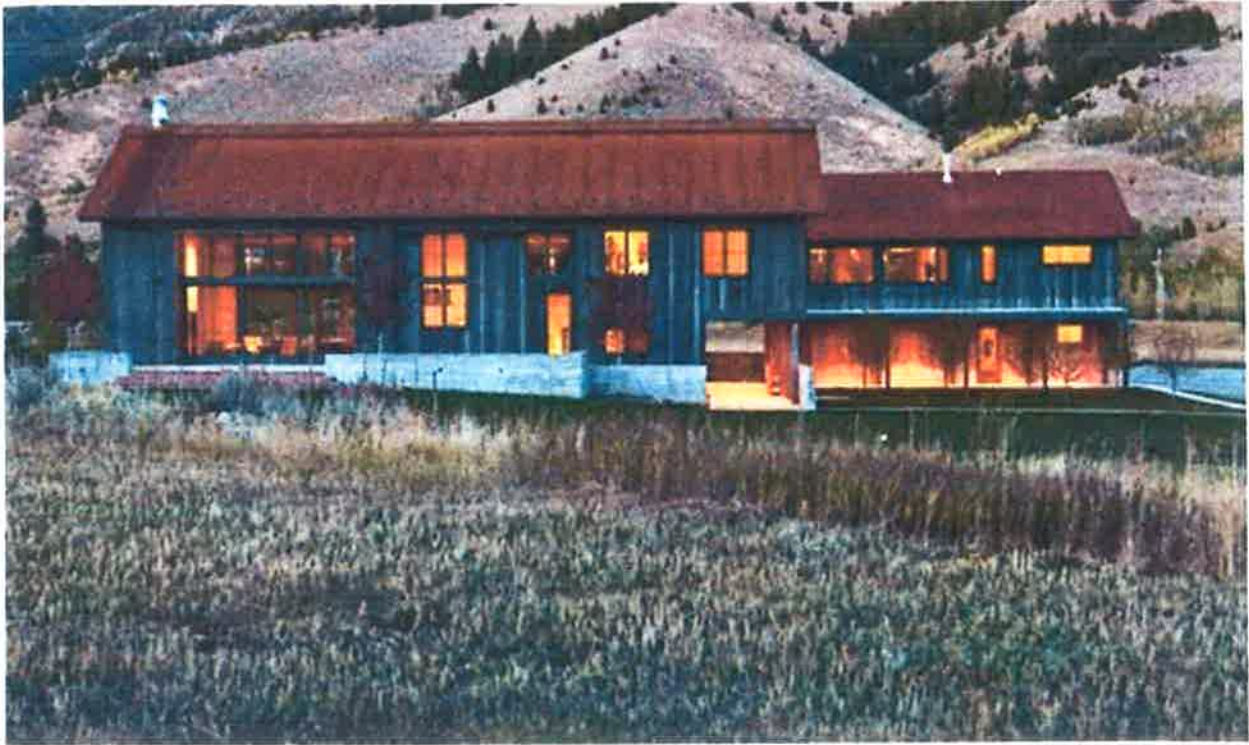


REX CABIN
 MS 18463 - FORST
 SILVERTON, CO



RELIANT ENGINEERING AND DESIGN
 1012 FIR STREET
 CEDAR CITY, UTAH 84720





The exterior colors of the house will match this building's exterior colors giving the house a "Mountain Modern" style.

BOARD OF COUNTY COMMISSIONERS San Juan County

P.O. Box 466

Silverton, Colorado 81433

970-387-5671

THIS DOCUMENT IS PROPERTY OF SAN JUAN COUNTY AND IS TO BE RETURNED TO THE COUNTY OFFICE.

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

1. The real property, which is the subject of said application, as on this date located approximately _____ from County Road No. _____ and is not designated nor publicly maintained county road.


2. _____ County Road No. _____ on this date maintained on an _____ basis.

3. _____ of _____ which is the subject of this application is _____ and is not a public road.

4. _____ of _____ is not a public road and is not maintained by the county.

5. _____ of _____ is not a public road and is not maintained by the county.

6. _____ of _____ is not a public road and is not maintained by the county.

6 _____ March _____ 2023
 Applicant

Owner Notification



These images and this list were provided to me by Kimberly Buck, San Juan County Assessor.



Account	Situs Address	Owner	MailingAddress	Legal Description	Website
N2159	TBD COUNTY ROAD 33, SILVERTON, CO 81433	ROGERS WILLIAM	15 CARDINAL AVE - W SAND LAKE, NY 12196- 2100	LADY FORST - 18463, LIMESTONE - 18463	https://property.spatalest.com/co/sanjuan/#/property/48290000010037
N2165	TBD COUNTY ROAD 33, SILVERTON, CO 81433	STEADMAN MICHAEL N	PO BOX 1552 - BOULDER, UT 84716-1552	MANSON - 18463 UND 51% INT IN 8.99 ACRES	https://property.spatalest.com/co/sanjuan/#/property/48290000010045
N2210	TBD COUNTY ROAD 33, SILVERTON, CO 81433	REX ADAM	PO BOX 178 - ESCALANTE, UT 84726-0178	FORST - 18463, MANSON - 18463 UND 49% INT	https://property.spatalest.com/co/sanjuan/#/property/48290000010452

Sewage Disposal

dudley ashwood, p.e.
civil engineer

September 12, 2023

NEW ON-SITE WASTEWATER TREATMENT SYSTEM

PROPERTY OF: REX ADAMS
CR 33 MS 18463
SILVERTON, CO

A new on-site wastewater treatment system (OWTS) is planned to serve a new 3 bedroom house on this property. The planned home site is in the north-central portion of the property. The OWTS will consist of a Septic Tank and a Soil Treatment Area (STA). The STA is planned to the west of the homesite, in a wooded area, in sloping terrain grading to the west where terrain grades are mild, in the 10 +/- % range.

Site soils within the planned STA are shallow, fractured bedrock, and require the use of a single pass sand filter for the STA. Bedrock must be excavated and thoroughly fractured by mechanical/blasting means to result in free draining conditions below the STA. The STA is planned to be constructed as a single pass sand filter, with siphon dosing.

This OWTS is designed in compliance with the requirements of the San Juan Basin Public Health (SJBPD) OWTS 2018 Regulations ⁽¹⁾

STA location:

- 37°46.983' N 107°39.513' W +/-
- elevation 10,400 feet
- USDA/NRCS soils are reported as Rock outcrop - Snowdon
- mean annual precipitation: 25 to 40 inches
 - parent material: rock
 - landform: mountain slope
 - slope: west 10 +/- %

Soils nearby the planned STA are shallow stony loam over fractured bedrock.
[Soil Type R-0][Table 10-1A⁽²⁾]

Wastewater Flow: Table 6-1⁽²⁾: Residential: 3 bedrooms: $Q_D = 450$ gpd

Septic Tank: Table 9-1⁽²⁾: provide 1000 gallon septic tank with effluent screen

Siphon Tank: provide 500 gallon tank

Proposed STA: single pass sand filter with Drainrock Bed and Siphon Dosing Pressure

Distribution (provide 30-72" distal head)

Soil Type: from visual and tactile inspection: unweathered bedrock, Table 10-1A⁽²⁾: **Soil Type is R-0**

- STA: Single pass sand filter required, with "Preferred Sand": LTAR = 1.0 gpd/sf Table 10-1A⁽²⁾
- C&J (Durango) currently acceptable
- STA area required = $450 \text{ gpd} / 1.00 \text{ gpd/sf} = 450$ sf
- STA Size Adjustment/Application: no size adjustments apply
- STA area required = 450 sf
- provide 12' bed width
- bed length = $450 \text{ sf} / 12 = 37.5$, provide bed length = 38'
- pressure distribution (see attached OSI worksheet)

dudley ashwood, p.e.

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

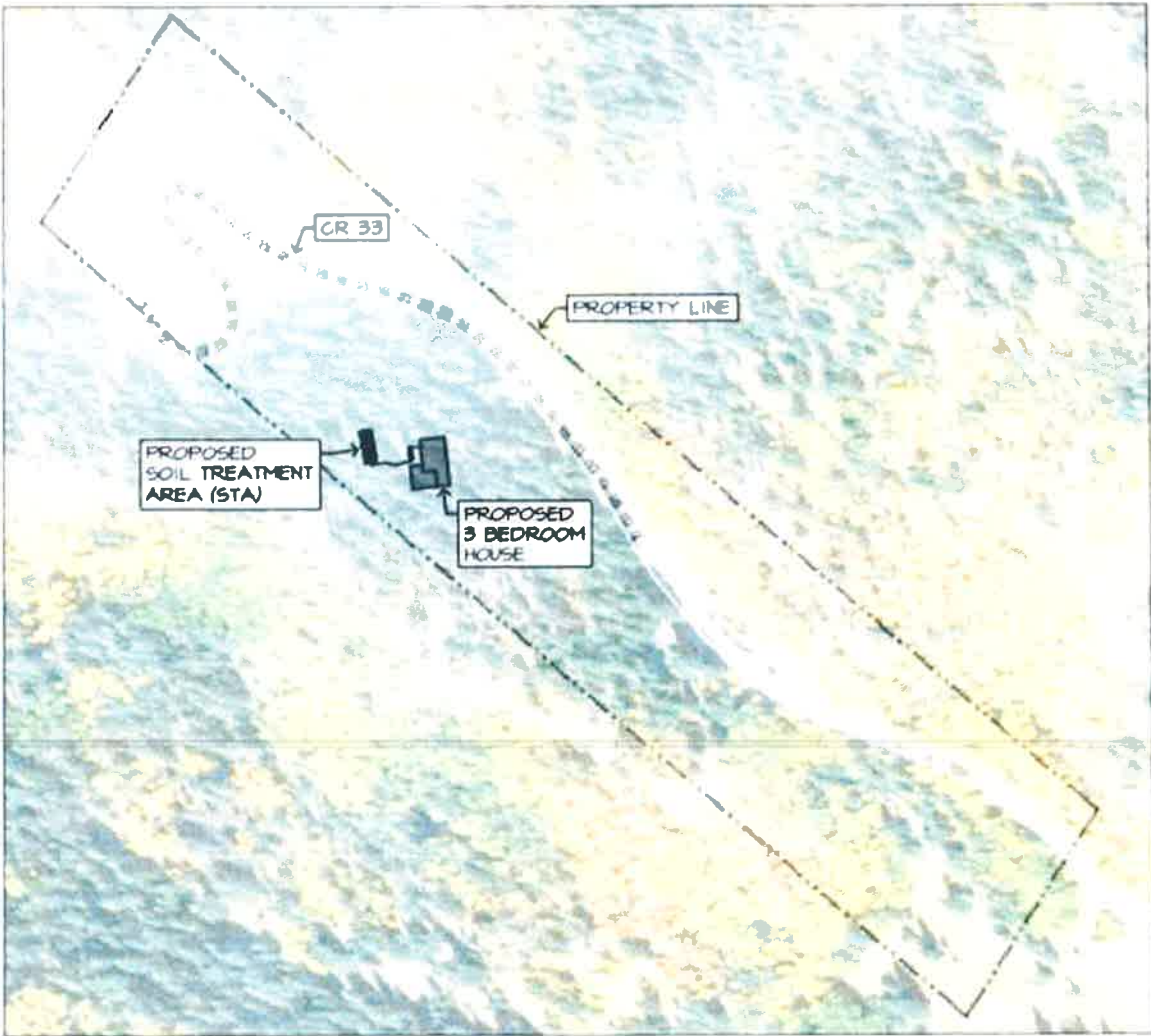
- provide minimum 5' grade elevation drop from siphon tank invert to STA manifold invert for distal head = 3' +/- (see attached OSI worksheet)
- dose volume = $5' \times 5' \times 17\frac{1}{2}" \times 7.48 = 265$ gallons
- design flow = 450 gpd
- dose frequency = $450 \text{ gpd} / 265 \text{ gal} = 1.7$ times per day
- dose length = $265 \text{ gal} / 43.6 \text{ gpm} = 6$ minutes

- **provide:**

- provide 1000 gallon septic tank with effluent screen
- 500 gallon siphon tank with siphon
- Soil Treatment Area:
 - 12' x 38' single pass sand filter bed : STA A = 456 SF
 - siphon dosing pressurized effluent distribution
 - 3 - 1.5" sch 40 pvc laterals w/ 3/16" orifice @ 4' o.c.

- All OWTS work shall be inspected and certified by the design engineer





WATER SUPPLY TO BE DETERMINED
 EXISTING DATA FROM SAN JUAN COUNTY GIS
 OR 8/27/22 AERIAL PHOTOGRAPHY
 ALL LOCATIONS ARE APPROXIMATE ONLY



dudley ashwood, p.e.
 civil engineer

LOCATION PLAN
 PROPERTY OF REX ADAM
 CR 33 - MS 18463 - FORST
 SILVERTON, CO

SEPTEMBER 12, 2023
 SCALE 1" = 200'



ON-SITE WASTE WATER TREATMENT PERMIT

APPLICANT	PROPERTY OWNER	INSTALLER
ADAM REX PO BOX 178 ESCALANTE, UT 84726-0355 (435) 618-1119	ADAM REX PO BOX 178 ESCALANTE, UT 84726-0355 (435) 618-1119	

ADDRESS:	MINERAL SURVEY NUM 18463	PARCEL #:	48290000010452-S
PERMIT TYPE:	CONSTRUCTION	SUBDIVISION:	
LOT #:		LOT SIZE (ACRES):	14.74
DWELLING UNITS:	1	BEDROOMS:	3
SITE EVAL LTAR:	1.0	LIMITING ZONE:	Fractured Bedrock
DEPTH:	12"	WATER SUPPLY:	Well

SEPTIC TANKS:	1000 gal + 500 gal
DESIGN FLOW:	450 GPD
DISTRIBUTION:	Pressure, Siphon
SOIL TREATMENT:	2" force main 12' x 38' bed 36" minimum preferred sand layer at base of excavation 12" of 3/4" washed rock above sand layer Three 1.5" laterals embedded in rock layer 3/16" orifices every 48" at 6 O'clock Cover rock with geotextile Top with at least 12" of topsoil

WORK DESCRIPTION: New OWTS for 3 BDR on raw land

SPECIAL CONDITIONS

"Preferred sand media" as defined in Regulation 43.11.C.2.d.(2) must be used as sand filter material. A GRADATION OF MATERIAL IS REQUIRED PRIOR TO INSPECTION.

At least 6" of gravel, rock or other material must be placed below the pipe. The gravel, rock or other material must fill around the pipe and be at least 2" above the top of the distribution pipe.

The system must meet pressure dosing requirements as defined in Regulation 43.10.E.3, including a distal operating head of 30-72 inches. A wet test of the dosing system is required at the time of construction inspection.

AUTHORIZATION TO BEGIN CONSTRUCTION OR REPAIRS

The submitted design and above specifications are authorized for construction, subject to the above special conditions. All provisions of the SJBPH On-site Wastewater Treatment System regulations must be complied with whether specified herein or not. The granting of this permit does not give authority to violate or cancel any other state or local law or regulation governing construction or land use.

Jasmine Park
Authorized By

9.22.23
Date

FINAL INSPECTION

The above system has been inspected and found to comply with the requirements as described on the issued permit.

DUDLEY ASHWOOD
1961 THUNDERBIRD RD
HEPERUS, CO 81326
System Designed by (name, company, phone)

Finalized By

Date

Adequate Water Source

Notice of Intent to Make Absolute

N.O.I. # _____
(Assigned by SWCD)

The below identified applicant hereby notices its intent to make absolute an increment of the Animas Service Area conditional water right decreed in Case No. 06CW127 consistent with the terms and conditions decreed therein. Use additional pages as needed.

Applicant Information:

Name: Adam Rex Telephone: 435-618-1119

Email Address: rexexcavation@gmail.com

Mailing Address: PO Box 178 Escalante Utah 84726
(The approved NOI will be mailed to this address)

Prospective Water Right Increment Information:

Proposed Use of Water (e.g. domestic, irrigation, commercial):

Domestic

Proposed Source (groundwater, surface water):

Surface Water

Proposed Place of Use (include parcel # if possible):

48290000010452

Anticipated Amount of Depletions (number of acres irrigated, stock use, domestic surface area, and pond evaporation, etc. in the time periods per the 06CW127 decree). Please carry out to the 6th decimal place:

We want to use the water from a spring on my property for a 4 bedroom, 2 bathroom home on said property.

The applicant is advised and recognizes that the execution of this Notice of Intent to Make Absolute confers no right, title, or interest in water beyond the right to perfect an increment of the Animas Service Area conditional water right consistent with the decree in Case No. 06CW127.

Applicant is hereby given authority by Southwestern Water Conservation District and La Plata County to file an application to make the conditional water right absolute pursuant to the terms and conditions in Case No. 06CW127. The Southwestern Water Conservation District and La Plata County reserve the right to file opposition to such claim if deemed necessary.


Signed for the Applicant, (Title)

3-6-23
(Date)

Adam Rex

Printed Name

Governmental Endorsements:

La Plata County

(Date)

Printed Name

SWCD

(Date)

Printed Name

EXTREME WEATHER AND AVALANCHE RISK PROTOCOL FOR KENDALL MOUNTAIN HOUSE TRIPS

1. Weather and Avalanche Risk Assessment:

a. **Pre-Trip Assessment:** Prior to each trip, SJE will assess weather forecasts, avalanche conditions, and any other relevant environmental factors.

b. **On-Site Assessment:** While at Kendall Mountain House, the guide will check weather conditions daily and any changes in the forecast. ii. Avalanche risk assessments will be performed based on the latest data and observations, considering terrain, snowpack, and weather patterns.

2. Trip Cancellation, Truncation, or Extension:

a. **Cancellation:** If the risk assessment indicates high avalanche danger or extreme weather conditions that pose a significant risk to guests, the trip will be canceled. ii. Cancellation decisions will be communicated promptly to all participants, and alternative plans will be arranged.

b. **Truncation:** If adverse conditions develop during the trip, leading to increased risks, the expedition may be truncated. ii. A predefined cutoff point will be established based on real-time conditions, and a safe retreat plan will be implemented.

c. **Extension:** If weather conditions are so adverse that leaving KME cannot be done safely, the trip will be extended until conditions allow for a safe return to Silverton. ii. Decisions to extend will be made with consideration to weather forecasts, available supplies, and participant well-being.

3. Medical Evacuations Protocol:

a. **Emergency Communication:** In case of a medical emergency, the guide team will immediately initiate emergency communication with local medical services. ii. KMH will provide satellite internet in addition to the radio communication that SJE will provide to ensure reliable communication to emergency services.

b. **Emergency Medical Supplies:** Kendall Mountain House will be equipped with a comprehensive medical kit, including supplies for stabilizing injured participants until professional help arrives.

4. Minimizing Risks to Emergency Responders:

a. **Training:** All guides and staff members will undergo regular training in emergency response procedures, including simulated scenarios. ii. Collaboration with local emergency responders for joint training sessions will be encouraged.

b. **Real-Time Communication:** Clear communication channels will be established with emergency responders, ensuring up-to-date information exchange. ii. Emergency responders will be informed about the nature of the emergency and specific conditions on-site.

5. Site Preparation for Extended Stays:

a. **Emergency Supplies:** Kendall Mountain House will maintain an emergency supply cache, including extra food, water, propane and firewood for stays up to 14 days. ii. Communication equipment will be sufficient for extended use.

This protocol is subject to periodic review and updates based on evolving safety standards and experiences from previous trips.

San Juan Expeditions/Kendall Mountain House Signed Agreement

BACKCOUNTRY LODGE AGREEMENT

This Backcountry Lodge Agreement ("Agreement") is entered into on this [date], ("Effective Date"), by and between San Juan Expeditions ("SJE") and Kendall Mountain House LLC ("KMH").

CONDITIONAL APPROVAL: This Agreement is conditional upon SJE receiving final approval from the San Juan County Commissioners to use Kendall Mountain House as a backcountry lodge. In the event that such approval is not granted, this Agreement shall be null and void, and neither party shall have any further obligations hereunder.

USE OF FACILITY:

1. Kendall Mountain House: KMH agrees to permit SJE to use the Kendall Mountain House, located off of CR 33 on the Forst Lode Claim, as a backcountry lodge, subject to the terms and conditions of this Agreement.

RESPONSIBILITIES OF SAN JUAN EXPEDITIONS: SJE agrees to:

1. Obtain all necessary permits and approvals from relevant authorities for the use of Kendall Mountain House as a backcountry lodge.
2. Comply with all local, state, and federal laws and regulations during the term of this Agreement.
3. Notify owners of KMH when they see that the house is in need of maintenance or they use some supply that we will need to replace.
4. Determine when access to or from the Property is too hazardous and a trip needs to be cancelled, truncated or extended as appropriate. SJE will and inform the clients of the cancellation as well as KMH.

RESPONSIBILITIES OF KENDALL MOUNTAIN HOUSE LLC: KMH agrees to:

1. Provide access to Kendall Mountain House when it has been booked by clients of SJE.
2. Allow SJE to remain at the house longer than the original booking in case of adverse weather conditions that make leaving the house

unsafe. The cost for staying in the house for these unplanned nights will be half the cost of the booked nights.

3. Maintain the premises in a safe and habitable condition during their stay.

GUIDE QUALIFICATIONS: SJE shall ensure that all guides used during the backcountry lodge operations possess the following qualifications:

1. Avalanche Training: All guides must have completed an accredited avalanche training course.
2. Medical Training: Each guide must hold a valid certification in wilderness first aid or a higher medical qualification.

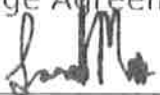
INSURANCE: SJE shall maintain adequate liability insurance coverage for the duration of this Agreement, covering any potential liabilities arising from its use of Kendall Mountain House.


INDEMNIFICATION: SJE agrees to indemnify and hold harmless KMH from any claims, damages, or liabilities arising out of the use of Kendall Mountain House by SJE.

TERMINATION: Either party may terminate this Agreement with written notice if the other party breaches any material term of this Agreement.

GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the state of Colorado.

IN WITNESS WHEREOF, the parties hereto have executed this Backcountry Lodge Agreement as of the Effective Date first above written.


_____ Date: 3/1/24 [San Juan Expeditions]


_____ Date: 3/2/24 [Kendall Mountain House
LLC]

List of San Juan Expeditions Guides and their Certifications

2023/2024 Operational Guides List

Aspen Expeditions Worldwide, LLC (DBA: San Juan Expeditions)

This guide list is a dynamic list of our guides currently working for us. This can change in between seasons.

Britt Ruegger

IFMGA Aspirant Mountain Guide (AMGA Certified Rock Guide; AMGA Assistant Ski Guide)

AIARE Course Leader (Level 1 & 2)

AIARE Level 3 Certified

Wilderness First Responder- Expires 06/5/2025

Josh Kling

IFMGA Aspirant Mountain Guide (AMGA Certified Rock & Alpine Guide; AMGA Assistant Ski Guide)

AMGA Certified Single Pitch Instructor

AIARE Course Leader

AIARE Level 3 Certified

NR-EMT-B - Expires 03/31/2024

LNT Master Educator

Jack Klim

AMGA Apprentice Rock and Ski Guide

AAA Accredited Pro Level 2 Avalanche

Wilderness First Responder- Expires 10/28/2024

Kam Weakley

AMGA Assistant Rock Guide

AMGA apprentice Ski Guide

AIARE Instructor

Wilderness First Responder- Expires 06/2/2024

Evan Clapper

AMGA SPI Guide

AMGA Assistant Rock and Ski Guide

AAA Accredited Pro Level 2 Avalanche

Wilderness First Responder- Just renewed, waiting to receive copy

Mark Ripperger

AMGA Certified Rock Guide

AMGA Certified Alpine Guide

AIARE Level 3 Certified

Wilderness EMT- Expires 3/31/2024

Erin Laine

AMGA Apprentice Alpine Guide
AMGA Assistant Ski Guide
AIARE Course Leader
AAA Accredited Pro Level 2 Avalanche
Wilderness EMT Expires - 2/25/25

Will Nunez

AMGA Assistant Ski Guide
AMGA Assistant Rock Guide
AMGA Ice Instructor
AIARE Instructor
Wilderness First Responder- Expires 4/5/2025

Chris Cullaz

AMGA Apprentice Rock Guide
AMGA Apprentice Ski Guide
AMGA Apprentice Alpine Guide
AIARE Instructor
Wilderness First Responder- Expires 5/31/2024

Bruce Saxman

AMGA Apprentice Rock Guide
AMGA Apprentice Ski Guide
AMGA Apprentice Alpine Guide
AIARE Course Leader
Wilderness First Responder- waiting for updated wfr

Johnathon Cooper

AMGA Apprentice Rock Guide
AMGA Apprentice Ski Guide
AIARE Course Leader
Wilderness EMT- Expires 11/15/2024

Sarah MacGregor

AMGA Apprentice Rock Guide
AMGA Apprentice Ski Guide
AMGA Apprentice Alpine Guide
AAA Accredited Pro 2 Avalanche Course
AIARE Instructor
Wilderness First Responder- Expires 5/30/2024

Jordan Diefenderfer

AIARE Course Instructor
AMGA Apprentice Ski Guide

AAA Accredited Pro 2 Avalanche Course
Wilderness EMT- Expires 2/3/2024

Matt Cecil

AIARE Course Instructor
Wilderness First Responder - Expires 3/31/2024

Chris Martin

IFMGA Aspirant Mountain Guide (AMGA Certified Rock & Alpine Guide; AMGA Assistant Ski Guide)
AMGA Certified Single Pitch Instructor
AIARE Course Leader
AIARE Level 3 Certified
Wilderness First Responder - Expires 11/14/2024

Sarah Moore

Pro 1 Level 1
Wilderness First Responder- Expires 10/30/2025

San Juan Expeditions BLM operating permit



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Gunnison Field Office
2500 E. New York Avenue
Gunnison, Colorado 81230

In Reply Refer to:
8372 (CO-S06000)

2023-24 Annual Operating Authorization

Permittee: Aspen Expeditions Worldwide dba San Juan Expeditions
Permit #: CO-160-03-21-007

Your annual information has been received and reviewed by the Gunnison Field Office. This Annual Operating Authorization validates commercial guided avalanche education, ice climbing, rock climbing and backcountry skiing on Bureau of Land Management lands in the Gunnison Field Office area as specified in the current operating plan. This authorization is valid until midnight September 30, 2024, on BLM lands in the Gunnison Field Office. All guides and employees must carry a copy of the Permit and the Annual Operating Authorization while operating on public lands and must be familiar with the terms, conditions and stipulations attached to your permit. All stipulations set forth in Special Recreation Permit # CO1600321007 apply with the addition of the following:

The following special stipulations also apply to your permit:

1. All trash produced under permit will be packed out. Trash cannot be deposited in BLM trash receptacles.
2. The permittee or insurer will notify the BLM Gunnison Field Office 30 days in advance of termination or modification of the insurance policy.
3. Your post use report and final fee payment must be received by the Gunnison Field Office by October 31, 2024.

User Day Allocation (must not exceed)

Ice Climbing- 30; Backcountry Skiing- 150; Avalanche Education- 150;
Rock Climbing East Animas- 40; Rock Climbing Eureka- 10

Sincerely,

Jon F. Kaminsky
Field Manager
Gunnison Field Office

Acting For

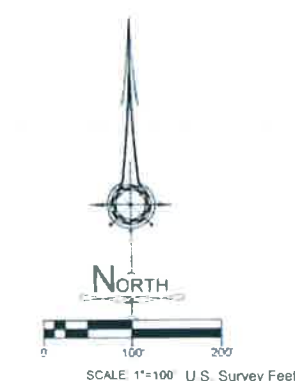
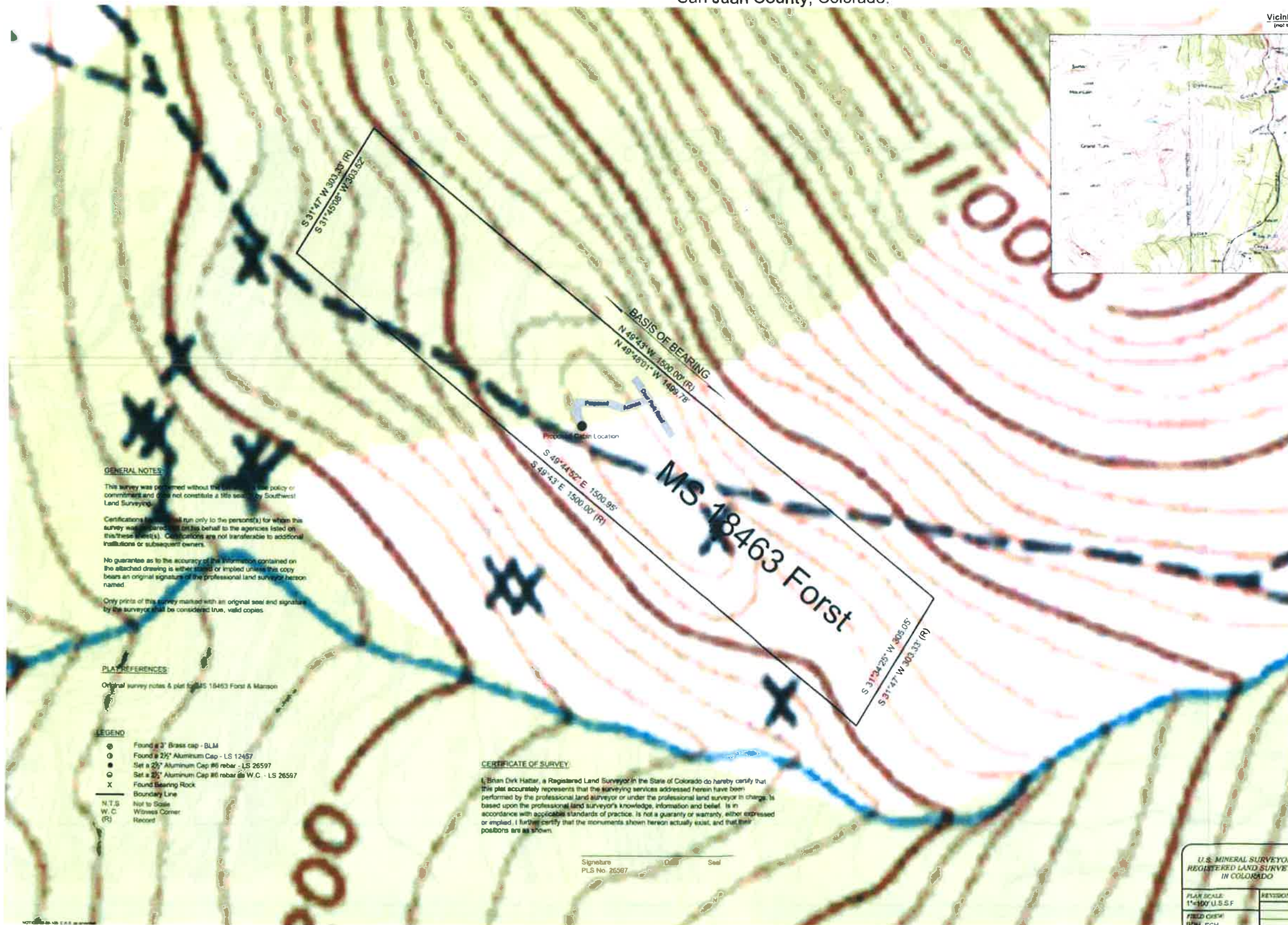
12/14/23

Date

Survey, Geologic Hazard, Avalanche Hazard Maps

Results of Survey

of MS 18463 Forst patented lode mining claim,
located in suspended Township 41 North, Range 7 West, New Mexico Principal Meridian,
San Juan County, Colorado.



GENERAL NOTES

This survey was performed without the intent of any policy or commitment and does not constitute a title search by Southwest Land Surveying.

Certifications herein shall run only to the person(s) for whom this survey was prepared and on his behalf to the agencies listed on this/these sheet(s). Certifications are not transferable to additional institutions or subsequent owners.

No guarantee as to the accuracy of the information contained on the attached drawing is either stated or implied unless this copy bears an original signature of the professional land surveyor herein named.

Only prints of this survey marked with an original seal and signature by the surveyor shall be considered true, valid copies.

PLAT REFERENCES

Original survey notes & plat for MS 18463 Forst & Marston

LEGEND

- Found a 3" Brass cap - BLM
- Found a 2 1/2" Aluminum Cap - LS 12457
- Set a 2 1/2" Aluminum Cap #1 rebar - LS 26597
- Set a 2 1/2" Aluminum Cap #1 rebar @ W.C. - LS 26597
- X Found Bearing Rock
- Boundary Line
- N.T.S. Not to Scale
- W.C. Witness Corner
- (R) Record

CERTIFICATE OF SURVEY

I, Brian Dirk Hatter, a Registered Land Surveyor in the State of Colorado do hereby certify that this plat accurately represents that the surveying services addressed herein have been performed by the professional land surveyor or under the professional land surveyor in charge. It is based upon the professional land surveyor's knowledge, information and belief. It is in accordance with applicable standards of practice. It is not a guaranty or warranty, either expressed or implied. I further certify that the monuments shown hereon actually exist, and that their positions are as shown.

Signature _____ Seal _____
PLS No. 26597

Basis of Bearing:
Line 3 - 4 MS 18463 Forst lode is assumed to bear N 49°48'01" W, and is monumented as shown hereon. All other bearings are relative thereto.

SAN JUAN COUNTY CLERK AND RECORDER'S ACCEPTANCE

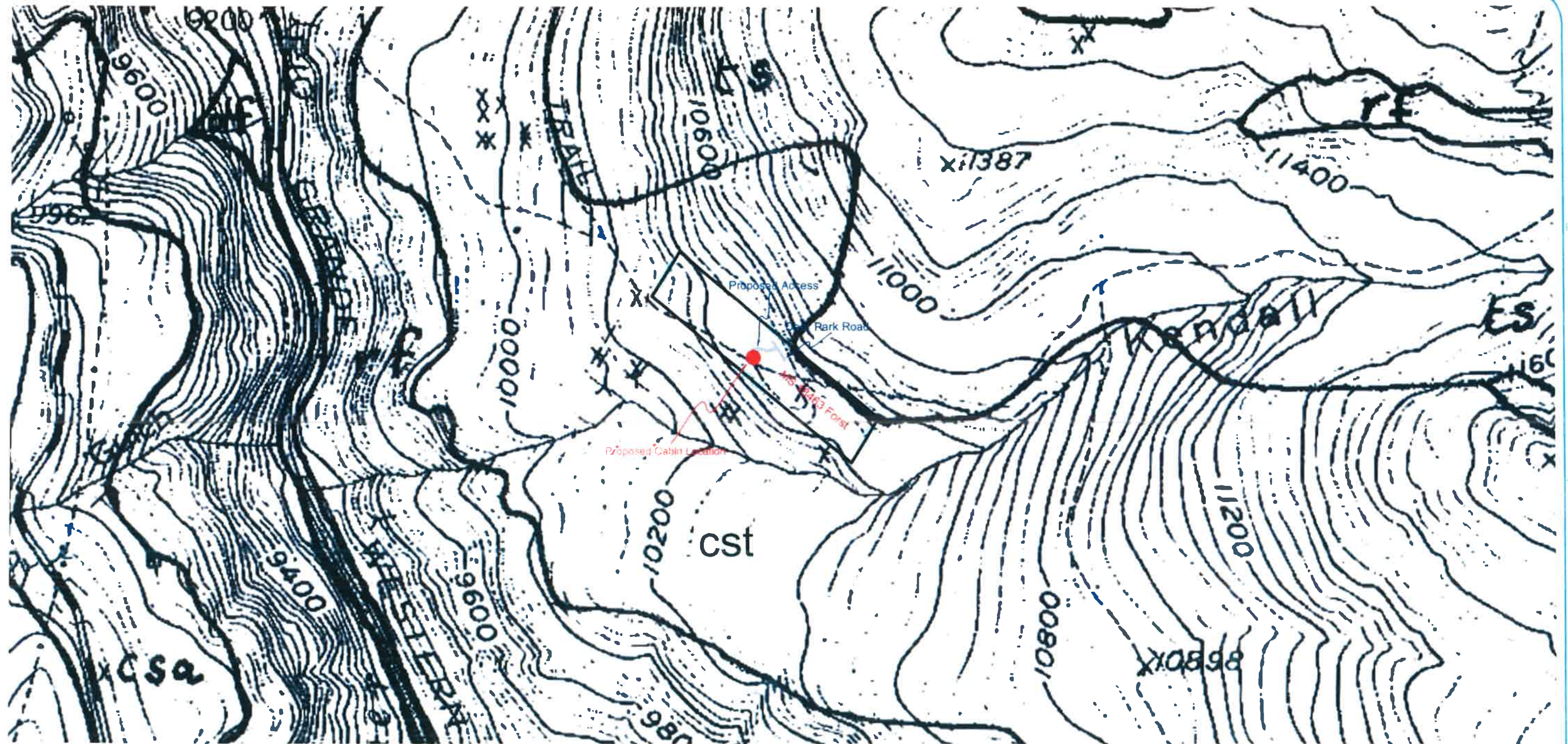
This plat was accepted for filing in the office of the Clerk and Recorder of San Juan County, Colorado, on this _____ day of _____, A.D. 20____.

Reception Number _____ Time _____ Book _____ Page _____

Date _____

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS IN COLORADO		SOUTHWEST LAND SURVEYING LLC 1315 Snowden St., Silverton, CO 81433 (970) 397-0600 Silverton (970) 874-2890 Delta EMAIL: dhatter@icresources.us	
PLAN SCALE: 1"=100' U.S.S.F.	REVISION:		
FIELD CREW: BDN, ECH		Result of Survey MS 18463 Forst located in suspended T 41 N., R 7 W., N.M.P.M. San Juan County, Colorado	
DRAFTER: KES			Adam Rex P.O. Box 178 Escalante Utah, 84726
SHEET 1 of 1	DATE # 63-23		

NOTICE TO CLIENT: ACCORDING TO COLORADO LAW YOU MUST COMMEMORATE ANY OF THE ACTION NAMED HEREON. DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER THE FIRST DISCOVERY THEREOF WILL BE NO EVENT MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN 120 YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

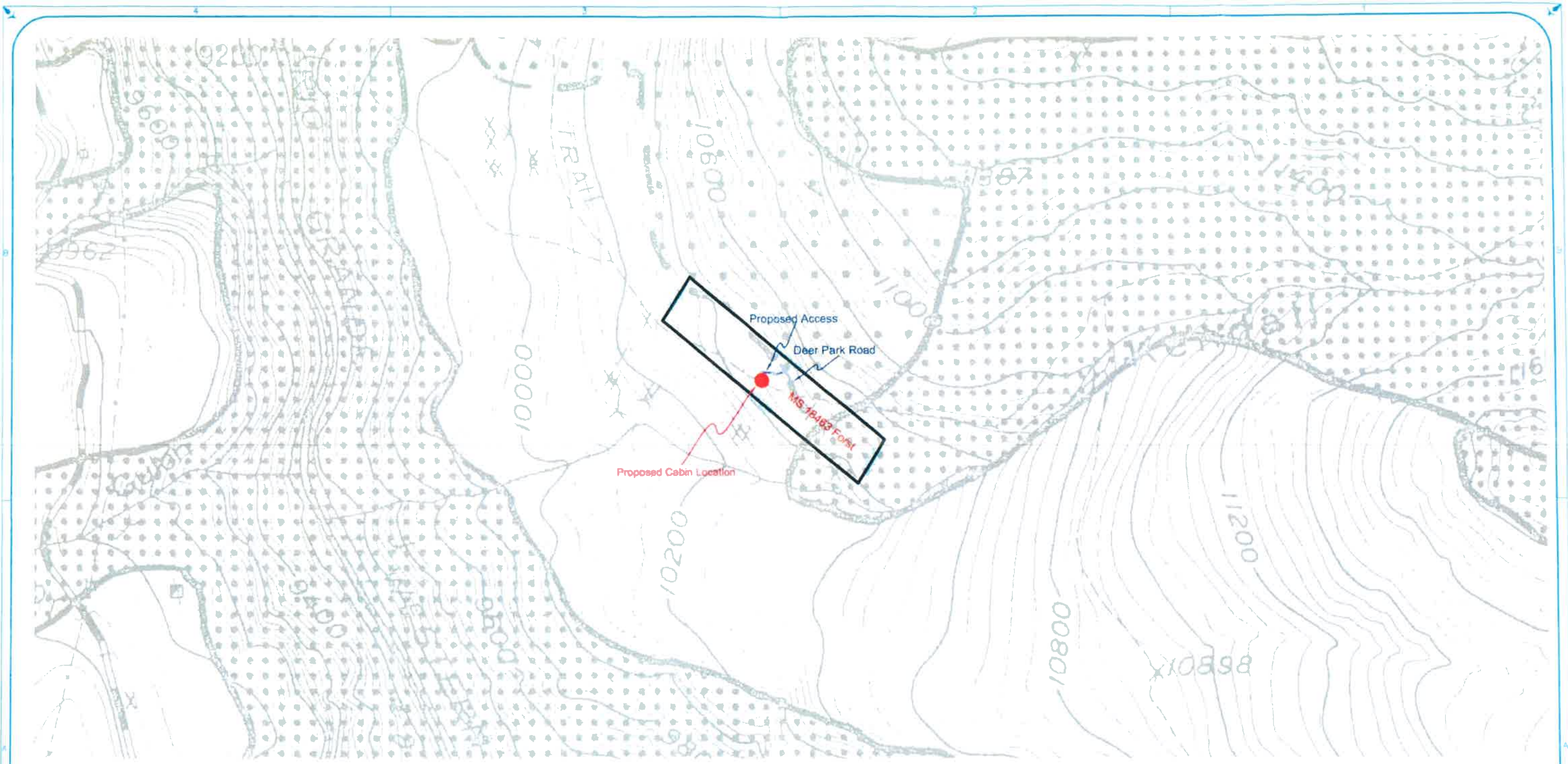


County Geological Hazards Map



Southwest Land Surveying, LLC
 1201 1/2 Ave. NE, Suite 100, Durango, CO 81301
 970.247.9000 • www.southwestlandsurveying.com

Adam Rex Forest, FIS 18463 San Juan County Colorado Assessor Parcel No. 48290000010452 Silverton, Geologic Map	Scale: 1" = 600' Date: 07/10/2023 Title: BDH Job Number: 62-23 Adam Rex Sheet: 1 of 1	Drawings:
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Avalanche Map



SouthWest Land Surveying LLC
CREATING VALUE THROUGH SURVEYING

dshiresaitresources.us

Adam Rex
Forst lode, MS 18463
San Juan County Colorado
Assessor Parcel No.
48290000010452
Silverton_Geologic Map

1" = 600'
5/10/2023
BDH
62-23 Adam Rex
1 of 1

Author:	BDH 5/23/23
Check:	
Scale:	
Sheet:	



Silverton

MARCH 19 PLANNING COMMISSION AGENDA MEMO

SUBJECT: Ordinance 2024-02 & Ordinance 2024-03

STAFF CONTACT: Lucy Mulvihill & Gloria Kash-Burger

Overview

Moratorium

A Moratorium is a required waiting period set by a governing authority. In planning, a moratorium places a pause on certain development activities until regulations concerning the targeted activity are developed and adopted. This legal and planning tool ensures community problems are not exacerbated during the development of a new regulation. This requires a specific regulatory goal, timeline, and action items.

Legal basis for a moratorium

- The Local Government Land Use Control Enabling Act of 1974, §29-20- 101, et seq., CRS (“Enabling Act”), recognizes the authority of each local government to plan for and regulate the use of land by, among others, regulating development and activities in hazardous areas, regulating the use of land on the basis of the impact thereof on the community or surrounding areas, and otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.
- Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town of Silverton has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens.
- Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location of uses and the use of land within the community.

When is a moratorium warranted?

- Entering a moratorium implies a local government is working towards a regulation of some kind. This should be established at the time of entering a moratorium.
- Time is required for the study and development of a new or amended regulation.
- Public outreach, engagement, and participation are needed in the preparation of regulations.
- The local government may need extra time to consider a novel regulatory issue.

Re-Entering a Moratorium

At their regular meeting on July 31, 2023, Trustees enacted Emergency Ordinance 2023-10 An Emergency Ordinance of the Town of Silverton Imposing a Temporary Suspension on Accepting Construction Permit Applications In those Areas Defined as wetlands within Silverton Town Limits. This established a 6-month Moratorium. During this time staff presented the following.

- [Regular Meeting August 14th, 2023](#), [Regular Meeting September 11, 2023](#). Request for Proposal for the completion of a local wetland inventory.
- [Regular Meeting September 25, 2023](#). Wetland Inventory Map contractor Selection.
- [Regular Meeting November 13, 2023](#). Present mapped area of wetlands within Silverton Town Limits.
- [Regular Meeting December 22, 2024](#). Request direction related to developing wetland regulations and extending the moratorium.

At their regular meeting on January 22, 2023, Trustees took no action to direct staff to present regulation or extend the Moratorium on development in any areas with Wetlands established under Emergency Ordinance 2023-10.

At their regular meeting on February 24, 2024, Trustees directed staff to present an ordinance that would re-establish a moratorium on development to address the same issues addressed in the July 31 moratorium. What you have in front of you today are two ordinances that would reestablish a moratorium, which will be reviewed by the Board of Trustees at a Special Meeting scheduled for Thursday, March 21, 2024, at 6 pm.

Ordinance 2024-02 An Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits

If enacted this Ordinance would re-establish a moratorium on development in areas where wetlands, that meet the Towns definition, are present, similar to the terms of Ordinance 2023-10. Those wishing to develop a vacant lot would be required to prove the absence are no wetlands prior to as a part of their building permit application or planning review application. While this Ordinance would set up the framework to ensure no properties with wetlands present are developed, this would impede development, or make the development process more expensive, on properties without wetlands. The Town saw this situation multiple times during the Ordinance 2023-10 moratorium.

Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits

During the February 24, 2024 meeting, Trustees floated the idea of an ordinance that would impose a moratorium on development only to the properties that are outlined in the Ironwood Wetlands Boundary Map. During the meeting, the staff was unsure if this was possible, but after more research staff was able to draft Ordinance 2024-03. This ordinance imposed a moratorium on development to properties located within the Slope and Rivian Wetland areas, but not depression wetlands, as Ironwood has advised, these wetlands are a result of stormwater drainage.

If trustees move to adopt this Ordinance, they should be prepared to address the following questions.

- Will properties on the edge of the Wetlands Boundary Map be subject to the moratorium?
- Will there be an appeal process?

Purpose of Planning Commission Review and Recommendation:

Per SMC 16-1-40 (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.* The purpose of this agenda item is to allow the Planning Commission to review Ordinance 2024-02 & Ordinance 2024-03 and provide the Board of Trustees with their recommendation.

Next Steps

At the Special Meeting on March 21, Trustees have four options. Table both ordinances, deny both ordinances, approve the first reading of Ordinance 2024-02 and deny Ordinance 2023-03, or approve ordinance 2024-03 and deny Ordinance 2024-02, If trustees vote to enter a Moratorium under Ordinance 2024-02 or Ordinance 2024-03, Trustees will need to address the following terms of the moratorium, before making a motion. The Planning Commission should provide a recommendation on what of the above policy actions to pursue and may provide a recommendation based on the terms below.

Direction on Wetland Policy:

After reviewing moratorium options (Ordinance 2024-02 & Ordinance 2024-03) the wetland inventory map, showing the location, size, quantity, and type of wetlands, Trustees should decide if they would like to direct staff to present options on wetland regulations. Trustees should clarify the goal and scope of regulation and if this should be included in the Land Use Code Update. Staff requests as much information regarding what the board would like to see out of these policy options. Please review *Planner's Guide to Wetland Buffers for Local Governments* for more information.

Direction of Public Outreach:

Trustees may direct staff to hold a community engagement session to discuss wetland regulations or to allow public engagement efforts to go through the Land Use Code Update process that will commence late spring/early summer.

Direction on Time Required:

Staff has drafted the ordinance to sunset December 31 2024, when the LUC will be enacted. Trustees should confirm that timeline or state the reasons for a different sunset date.

Staff Recommendation:

Staff does not have a recommendation at this time.

Suggested Motion or Direction:

Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits

Motion to recommend approval of Ordinance 2024-02

1. Motion to recommend approval of Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits.

Motion to recommend approval of Ordinance 2024-02 with conditions

2. Motion to recommend approval of Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits, with the following conditions.

Motion to recommend denial of Ordinance 2024-02

3. Motion to recommend denial of Ordinance 2024-02 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Wetlands Within Silverton Town Limits, with the following conditions.

Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits

Motion to recommend approval of Ordinance 2024-03

1. Motion to recommend approval of Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits.

Motion to recommend approval of Ordinance 2024-03 with conditions

2. Motion to recommend approval of Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits, with the following conditions.

Motion to recommend denial of Ordinance 2024-03

3. Motion to recommend denial of Ordinance 2024-03 An Ordinance Of The Town Of Silverton Imposing A Temporary Suspension On Accepting Construction Permit Applications In Those Areas Defined As Riverine And Slope Wetlands In The Ironwood Consulting Wetlands Boundary Map Within Silverton Town Limits.

Attachments:

Attachment A Ordinance 2024-02

Attachment B Ordinance 2024-02



ORDINANCE NO. 2024-02

AN ORDINANCE OF THE TOWN OF SILVERTON IMPOSING A TEMPORARY SUSPENSION ON ACCEPTING CONSTRUCTION PERMIT APPLICATIONS IN THOSE AREAS DEFINED AS WETLANDS WITHIN SILVERTON TOWN LIMITS

WHEREAS, the Town of Silverton, in the County of San Juan and State of Colorado (the “Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §29-20- 101, et seq., CRS (“Enabling Act”), recognizes the authority of each local government to plan for and regulate the use of land by, among others, regulating development and activities in hazardous areas, regulating the use of land on the basis of the impact thereof on the community or surrounding areas, and otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, by virtue of Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town of Silverton has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location of uses and the use of land within the community; and

WHEREAS, temporary suspensions on the acceptance and on the processing of applications and permits for land uses are judicially approved as a method or means of enabling local governments to plan for, regulate and protect the health, safety, and welfare of the community; and

WHEREAS, the Town supports harmonized development of residential and commercial projects, and the development of Wetlands could create development that is not harmonious with adjacent land uses, and create adverse impacts to the general landscape, environment, and public facilities; and

WHEREAS, the Town finds it essential to protect and preserve the environment and the public health, safety, and welfare of the Town and its citizenry, and that it is in the Town's best interest, consistent with the Master Plan and Land Use Code, to study and incorporate zoning requirements pertaining to the development of Wetlands within the Town of Silverton; and

WHEREAS, the Town hereby legislatively determines that temporarily suspending the acceptance or processing of construction applications and the issuance of approvals, permits, and licenses for areas defined as “Wetlands” in the Code is necessary and proper for the protection of and in the best interests of the health, safety and welfare of the community and its citizens.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES

OF THE TOWN OF SILVERTON, COLORADO THAT:

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.

Section 2. Temporary Suspension Enacted. The Town of Silverton hereby imposes a temporary suspension on the acceptance and on the processing of any form of construction permit application or request for approval, including applications for or issuance of building permits, or any land use permits in those areas defined as “Wetlands” according to the Silverton Municipal Code and the U.S. Army Corps of Engineers (“Temporary Suspension”). This temporary suspension shall automatically terminate at midnight on **December 31, 2024**, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance. This Ordinance and the temporary suspension and delay imposed hereby shall be self-executing without further action by the Town or Board of Trustees (“BOT”).

Section 3. Application. This Temporary Suspension shall apply to those areas defined as “Wetlands” by the Town of Silverton Municipal Code, U.S. Army Corps of Engineer, and inclusive of jurisdictional and non-jurisdictional wetlands. This Temporary Suspension shall also apply to those areas within twenty-five feet (25’) of any area defined as a “Wetland.” During the defined time period the Board will receive a completed wetland inventory map and incorporate the drafting of regulations to build on wetlands in the Land Use Code.

Section 4. Exemptions. Infill Development (vacant or under-utilized lot or parcels within existing urban areas that are already largely developed and contain at least one (1) habitable structure which complies with the Town’s building code), as determined by the BOT in its sole discretion, is exempt from the provisions of this Temporary Suspension. The Town of Silverton’s continuing projects, utility maintenance, and any other construction project determined to be in the best interest of the Town, as determined by the BOT in its sole discretion, is exempt from the provisions of this Temporary Suspension.

Section 5. Exclusion from Temporary Suspension. This Ordinance and the Temporary Suspension imposed by this Ordinance shall not apply to any use that is a lawfully recognized vested property right pursuant to: (i) Colorado common law (i.e., generally established by issuance of a building permit and reasonable reliance upon such permit); or (ii) pursuant to a final approved application for vested rights; or (iii) or pursuant to an annexation, development, or other agreement approved by the Town.

Section 6. Severability Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Effective Date and Time. Following the passage of this Ordinance on second reading, the Town Clerk shall publish this Ordinance in full in a newspaper published within the limits of the Town. This Ordinance shall take effect 30 days after such publication and shall remain in effect until it is revoked or December 31, 2024, whichever is earlier.

INTRODUCED, READ, AND ORDERED FOR SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF SILVERTON, ON THE ____ DAY OF MARCH, 2024.

TOWN OF SILVERTON

By: _____
Sallie Barney, Mayor Pro Tem

ATTEST:

Melina Marks Manis, Town Clerk

FINALLY PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING AND ORDERED POSTED AND PUBLISHED IN THE MANNER PROVIDED IN SECTION 6 HEREOF BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN HALL ON THE ____ DAY OF MARCH, 2024, BY A VOTE OF THIS ORDINANCE AS IS ON FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION.

TOWN OF SILVERTON

By: _____
Sallie Barney, Mayor Pro Tem

ATTEST:

Melina Marks Lanis, Town Clerk



ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWN OF SILVERTON IMPOSING A TEMPORARY SUSPENSION ON ACCEPTING CONSTRUCTION PERMIT APPLICATIONS IN THOSE AREAS DEFINED AS RIVERINE AND SLOPE WETLANDS IN THE IRONWOOD CONSULTING WETLANDS BOUNDARY MAP WITHIN SILVERTON TOWN LIMITS

WHEREAS, the Town of Silverton, in the County of San Juan and State of Colorado (the “Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §29-20- 101, et seq., CRS (“Enabling Act”), recognizes the authority of each local government to plan for and regulate the use of land by, among others, regulating development and activities in hazardous areas, regulating the use of land on the basis of the impact thereof on the community or surrounding areas, and otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, by virtue of Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town of Silverton has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location of uses and the use of land within the community; and

WHEREAS, temporary suspensions on the acceptance and on the processing of applications and permits for land uses are judicially approved as a method or means of enabling local governments to plan for, regulate and protect the health, safety, and welfare of the community; and

WHEREAS, the Town supports harmonized development of residential and commercial projects, and the development of Wetlands could create development that is not harmonious with adjacent land uses, and create adverse impacts to the general landscape, environment, and public facilities; and

WHEREAS, the Town finds it essential to protect and preserve the environment and the public health, safety, and welfare of the Town and its citizenry, and that it is in the Town's best interest, consistent with the Master Plan and Land Use Code, to study and incorporate zoning requirements pertaining to the development of Wetlands within the Town of Silverton; and

WHEREAS, the Town hereby legislatively determines that temporarily suspending the acceptance or processing of construction applications and the issuance of approvals, permits, and licenses for areas defined as riverine and slope wetlands in the Wetlands Boundary Map in Attachment A to this ordinance is necessary and proper for the protection of and in the best interests of the health, safety and welfare of the community and its citizens.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO THAT:

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.

Section 2. Temporary Suspension Enacted. The Town of Silverton hereby imposes a temporary suspension on the acceptance and on the processing of any form of construction permit application or request for approval, including applications for or issuance of building permits, or any land use permits in those areas defined as riverine and slope in the Silverton Wetland Inventory HGM Classification 2023 (“Wetlands Boundary Map”) included in this ordinance and compiled by Ironwood Consultants (“Temporary Suspension”). This temporary suspension shall automatically terminate at midnight on **December 31, 2024**, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance. This Ordinance and the temporary suspension and delay imposed hereby shall be self-executing without further action by the Town or Board of Trustees (“BOT”).

Section 3. Application. This Temporary Suspension shall apply to those areas defined as riverine and slope in the Wetlands Boundary Map, and inclusive of jurisdictional and non-jurisdictional wetlands. During the defined time period the Board will receive a completed wetland inventory map and incorporate the drafting of regulations to build on wetlands in the Land Use Code.

Section 4. Exemptions. Infill Development (vacant or under-utilized lot or parcels within existing urban areas that are already largely developed and contain at least one (1) habitable structure which complies with the Town’s building code), as determined by the BOT in its sole discretion, is exempt from the provisions of this Temporary Suspension. The Town of Silverton’s continuing projects, utility maintenance, and any other construction project determined to be in the best interest of the Town, as determined by the BOT in its sole discretion, is exempt from the provisions of this Temporary Suspension.

Section 5. Exclusion from Temporary Suspension. This Ordinance and the Temporary Suspension imposed by this Ordinance shall not apply to any use that is a lawfully recognized vested property right pursuant to: (i) Colorado common law (i.e., generally established by issuance of a building permit and reasonable reliance upon such permit); or (ii) pursuant to a final approved application for vested rights; or (iii) or pursuant to an annexation, development, or other agreement approved by the Town.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Effective Date and Time. Following the passage of this Ordinance on second reading, the Town Clerk shall publish this Ordinance in full in a newspaper published within the limits of the Town. This Ordinance shall take effect 30 days after such publication and shall remain in effect until it is revoked or December 31, 2024, whichever is earlier.

INTRODUCED, READ, AND ORDERED FOR SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF SILVERTON, ON THE 21st DAY OF MARCH, 2024.

TOWN OF SILVERTON

By: _____
Sallie Barney, Mayor Pro Tem

ATTEST:

Melina Marks Manis, Town Clerk

FINALLY PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING AND ORDERED POSTED AND PUBLISHED IN THE MANNER PROVIDED IN SECTION 6 HEREOF BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN HALL ON THE ____ DAY OF APRIL, 2024, BY A VOTE OF THIS ORDINANCE AS IS ON FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION.

TOWN OF SILVERTON

By: _____
Sallie Barney, Mayor Pro Tem

ATTEST:

Melina Marks Lanis, Town Clerk

Silverton Wetland Inventory HGM Classification 2023





MARCH 19, PLANNING COMMISSION PACKET MEMO

SUBJECT: Annexation of Anvil Mountain Subdivision 1 & Anvil Mountain Subdivision 2

Silverton STAFF CONTACT: Lucy Mulvihill

Overview:

On January 29, 2024, The Town received a petition for the Annexation of Unincorporated Territory in the County of San Juan, State of Colorado, to the Town of Silverton, State of Colorado. The legal description of the land which the landowners request to be annexed to the Town of Silverton is described in attachment A, known as Anvil Mountain Subdivision 1. The petitioning party is San Juan County, Colorado.

On February 9, 2024, The Town received a petition for the Annexation of Unincorporated Territory in the County of San Juan, State of Colorado, to the Town of Silverton, State of Colorado. The legal description of the land which the landowners request to be annexed to the Town of Silverton is described in attachment C, known as Anvil Mountain Subdivision 2. The petitioning party is San Juan County, Colorado.

History:

At the regular Board of Trustees Meeting on February 12, 2024, the Town Clerk referred the Anvil Mountain Subdivision 1 annexation petition to the Board of Trustees, per CRS 31-12-107(f) and SMC 15-1-30 (2). After a review, the Trustees deemed the petition substantially compliant with (Colorado Revised Statutes) CRS, and set a date for the Annexation Hearing for March 25, 2024, at 7 pm, by the adoption of Resolution 2024-03, per CRS 31-12-108 (1).

At the regular Board of Trustees Meeting on February 26, 2024, the Town Clerk referred the Anvil Mountain Subdivision 2 annexation petition to the Board of Trustees, per CRS 31-12-107(f) and SMC 15-1-30 (2). After a review, the Trustees deemed the petition substantially compliant with CRS, and set a date for the Annexation Hearing for March 27, 2024, at 7 pm, by the adoption of Resolution 2024-04, per CRS 31-12-108 (1).

Purpose of Planning Commission Review and Recommendation:

Per SMC 15-1-30 (4), *the Planning Commission shall review the annexation map, master plan, and zoning request at a public hearing and shall submit a written recommendation to the Board of Trustees.* The purpose of this Public Hearing is to review the Annexation request for its conformity with the [Town of Silverton 2022 Compass Master Plan](#) and the [Town of Silverton 2024 Three-Mile Plan](#). Based on this review, Planning Commissioners should make a recommendation to the Board of Trustees. Please note, that Staff has not provided information related to zoning, that will be presented to the Planning Commission at a future meeting.

Master Plan

The Town of Silverton 2022 Compass Master Plan (Master Plan) calls for the Annexation of Anvil Mountain Subdivision (Anvil), on page 81, within the Housing section, Strategy E, 4. *use annexations to expand workforce housing (i.e. Anvil).* Additionally, Anvil is called out 10 more times in the master plan, mostly related to expanding affordable and attainable housing efforts. The annexation of Anvil will give the Town a wider array of resources to use for the development of Affordable and attainable housing in Anvil.

Three-Mile Plan

The Town of Silverton 2024 Three-Mile Plan (Three-Mile Plan) was adopted by Resolution 2024-06 and included the following considerations.

Three Mile Boundary

The Three-Mile Boundary Map is included in the Three-Mile Plan. Anvil is located within the Three-Mile Boundary Map, making it eligible for Annexation.

Annexation Eligibility and Processing Criteria

The Three Mile Plan states, *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 interests of the Town and its citizens.* The Planning Commission should discuss whether or not the two Annexation Requests meet the Three-Mile Plan eligibility criteria, and provide their recommendation to the Board of Trustees.

Town Services

Anvil is currently served by Town Utilities, Vero Internet, San Miguel Power Association Electric, the Fire Department, Emergency Services, and the Silverton School District. Once Anvil is Annexed Public Works will begin servicing Anvil in terms of road maintenance and plowing. Public Works Director John Sites is aware of the annexation and expansion of services. If the Planning Commission has any concerns related to the Town or other Services that may be impacted by the Annexation, they should provide that information in their recommendation to the Board of Trustees.

Staff Recommendations:

Staff recommends that the Planning Commission recommend approval of the Annexation of Anvil Mountain Subdivisions 1 and 2, for its conformance with The Master Plan and Three-Mile Plan.

Motion:

Motion to recommend approval.

1. Motion to recommend to the Board of Trustees approval of the Annexation of Anvil Mountain Subdivision 1 & Anvil Mountain Subdivision 2.

Motion to recommend approval with conditions.

2. Motion to recommend to the Board of Trustees approval of the Annexation of Anvil Mountain Subdivision 1 & Anvil Mountain Subdivision 2, with conditions. [Please state the condition in the motion]

Motion to recommend approval with conditions.

3. Motion to recommend to the Board of Trustees denial of the Annexation of Anvil Mountain Subdivision 1 & Anvil Mountain Subdivision 2.

Attachments

Attachment A Anvil Mnt Sub 1 Legal Description

Attachment B Anvil Mnt Sub 1 Annexation Map

Attachment C Anvil Mnt Sub 2 Legal Description

Attachment D Anvil Mnt Sub 2 Annexation Map

Attachment A

Legal Description:

Part of suspended section 18, Township 41 North, Range 7 West, of the New Mexico Principal Meridian, San Juan County Colorado, more particularly described as follows:

Beginning at a point on line 3 – 5 of the Silverton Town Site, whence corner no. 3 of the said Silverton Town Site bears N. 36°16'27" E., 1158.87 ft. dist.; thence N. 54°45'47" W., 529.79, ft. dist.; thence S. 79°13'01" W., 320.14, ft. dist., to the Northwest corner of Lot 2 of said Silverton Town Site; thence S. 54°40'06" W., 61.03, ft. dist., to the Angle Point of Lot 2 of said Silverton Town Site; thence S. 02°23'59" W., 35.42, ft. dist., to the Southwest corner of Lot 2 of said Silverton Town Site and also being on the North Right of Way line of Fifth Street; thence N. 87°36'14" W., 32.50, ft. dist., along the North Right of Way line of Fifth Street to a point on the East line of Lot 1 of said Silverton Town Site; thence S. 02°23'46" W., 28.99, ft. dist., to the Southeast corner of Lot 1 of said Silverton Town Site; thence S. 25°45'47" W., 42.15, ft. dist., to the Northeast corner of Lot 30 of said Silverton Town Site; thence S. 25°06'27" W., 157.80, ft. dist., to the Southeast corner of Lot 30 of said Silverton Town Site and also being on the North Right of Way line U. S. Highway 550; thence along the North Right of Way line of said U. S. Highway 550 on a curve turning to the right with an arc length of 326.88 ft. dist., with a radius of 3539.99 ft. dist., of which a chord bearing of S. 64°38'29" E.; thence S. 62°01'24" E., 403.27, ft. dist., to a point on line 3 – 5 of the Silverton Town Site; thence N. 36°16'27" E., 449.61, ft. dist., more or less, to the point of beginning.

Attachment C

Legal Description:

Part of suspended section 18, Township 41 North, Range 7 West, of the New Mexico Principal Meridian, San Juan County Colorado, more particularly described as follows:

Beginning at the Northeast corner of Lot 34 of the Anvil Mountain Subdivision, whence corner no. 3 of the Silverton Town Site bears N. 60°39'38" E., 1282.92 ft. dist.; thence S. 79°13'01" W., 320.14, ft. dist., to the Northwest corner of Lot 2 the said Anvil Mountain Subdivision; thence S. 54°40'06" W., 61.03, ft. dist., to the Angle Point of Lot 2 of the said Anvil Mountain Subdivision; thence S. 02°23'59" W., 35.42, ft. dist., to the Southwest corner of Lot 2 of the said Anvil Mountain Subdivision and also being on the North Right of Way line of Fifth Street; thence N. 87°36'14" W., 32.50, ft. dist., along the North Right of Way line of Fifth Street to a point on the East line of Lot 1 of the said Anvil Mountain Subdivision; thence S. 02°23'46" W., 28.99, ft. dist., to the Southeast corner of Lot 1 of the said Anvil Mountain Subdivision; thence S. 25°45'47" W., 42.15, ft. dist., to the Northeast corner of Lot 30 of the said Anvil Mountain Subdivision; thence S. 25°06'27" W., 157.80, ft. dist., to the Southeast corner of Lot 30 of the said Anvil Mountain Subdivision and also being on the North Right of Way line U. S. Highway 550; thence along the North Right of Way line of said U. S. Highway 550 on a curve turning to the Left with an arc length of 356.75 ft. dist., with a radius of 3539.99 ft. dist., of which a chord bearing of N. 70°10'25" W., to the Southwest corner of Lot 30 of the said Anvil Mountain Subdivision; thence N. 37°20'49" E., 115.03, ft. dist., to the Northwest corner of Lot 30 of the said Anvil Mountain Subdivision; thence N. 53°32'38" E., 122.83, ft. dist., to the Southwest corner of Lot 32 of the said Anvil Mountain Subdivision; thence N. 61°42'36" E., 94.59 ft. dist., to the Angle Point of Lot 32 of the said Anvil Mountain Subdivision; thence N. 70°37'14" E., 39.39 ft. dist., to the Northwest corner of Lot 32 of the said Anvil Mountain Subdivision; thence N. 33°59'59" E., 75.26 ft. dist., to the Southwest corner of Lot 33 of the said Anvil Mountain Subdivision; thence N. 70°15'48" E., 72.92 ft. dist., to the Angle Point of Lot 33 of the said Anvil Mountain Subdivision; thence N. 51°30'48" E., 130.07 ft. dist., to the Southwest corner of Lot 34 of the said Anvil Mountain Subdivision; thence N. 68°45'48" E., 51.79 ft. dist., to the Northwest corner of Lot 34 of the said Anvil Mountain Subdivision; thence S. 54°45'47" E., 331.00 ft. dist., to the Northeast corner of Lot 34 of the said Anvil Mountain Subdivision more or less, to the point of beginning.

Annexation Map

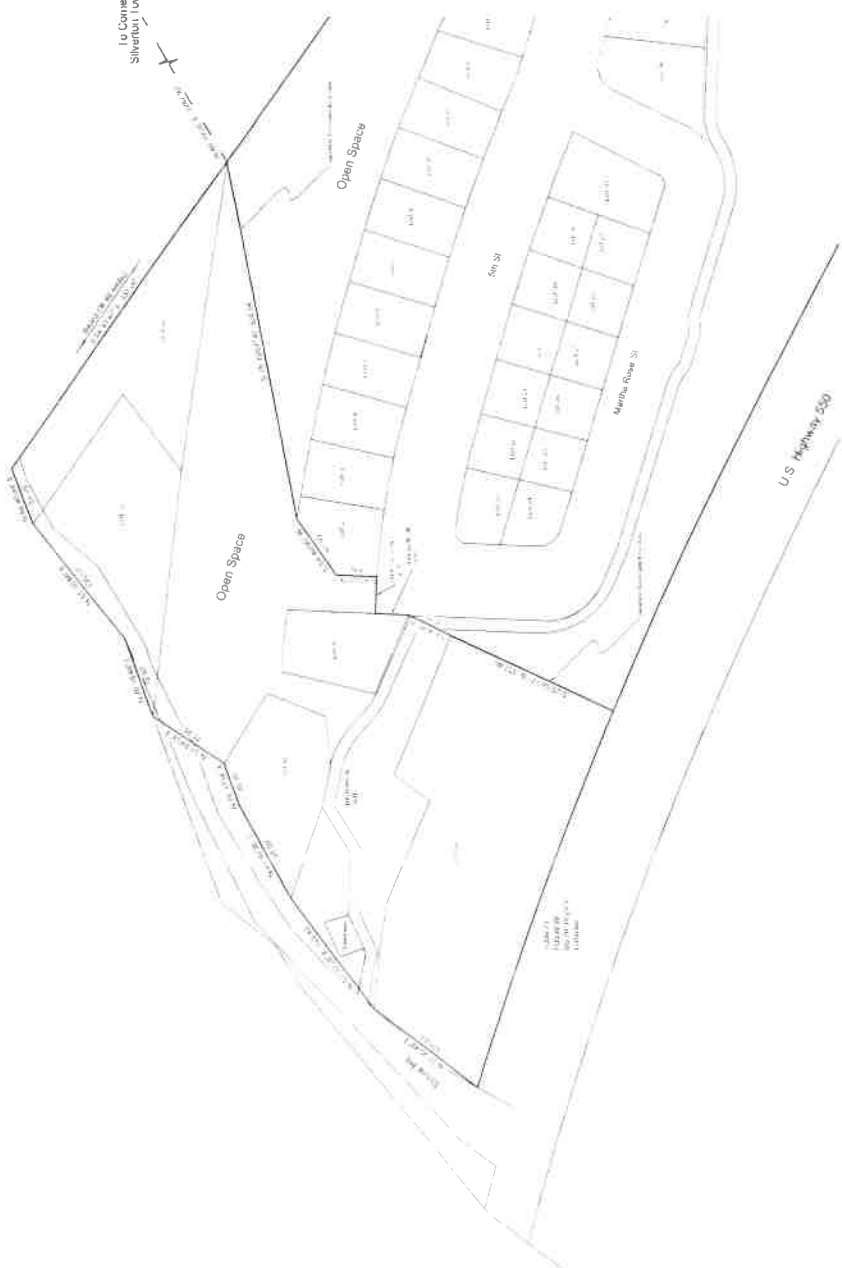
Part of the Anvil Mountain Subdivision Suspended Township 41 North, Range 7 West, of the New Mexico Principal Meridian San Juan County, Colorado

1. PURPOSE AND SCOPE: This map is prepared to show the boundaries of the Annexation Map, as shown on the attached plat, and to show the location of the same in relation to the boundaries of the Anvil Mountain Subdivision, as shown on the attached plat, and to show the location of the same in relation to the boundaries of the Anvil Mountain Subdivision, as shown on the attached plat.

2. REFERENCE TO OTHER MAPS: This map is prepared in accordance with the provisions of the Annexation Map, as shown on the attached plat, and to show the location of the same in relation to the boundaries of the Anvil Mountain Subdivision, as shown on the attached plat.

3. DESCRIPTION OF THE ANNEXATION MAP: The Annexation Map is a map showing the boundaries of the Annexation Map, as shown on the attached plat, and to show the location of the same in relation to the boundaries of the Anvil Mountain Subdivision, as shown on the attached plat.

4. LEGAL DESCRIPTION: The Annexation Map is a map showing the boundaries of the Annexation Map, as shown on the attached plat, and to show the location of the same in relation to the boundaries of the Anvil Mountain Subdivision, as shown on the attached plat.



SOUTHWEST LAND SURVEYING, LLC 1001 N. 1st St., Suite 100, Durango, CO 81301 Phone: (970) 247-1111 Fax: (970) 247-1112 Email: info@swland.com	
REGISTERED PROFESSIONAL SURVEYORS No. 1001	ANVIL MOUNTAIN SUBDIVISION (Suspended Township 41 North, Range 7 West) San Juan County, Colorado
ANNEXATION MAP (Suspended Township 41 North, Range 7 West) San Juan County, Colorado	DATE OF SURVEY 10/15/2018
DATE OF PLOTTING 10/15/2018	DATE OF RECORDING 10/15/2018
DATE OF RECORDING 10/15/2018	DATE OF RECORDING 10/15/2018

COMMISSIONER OF LANDS
 STATE OF COLORADO
 DENVER, COLORADO

REGISTERED PROFESSIONAL SURVEYORS
 No. 1001

ANNEXATION MAP
 (Suspended Township 41 North, Range 7 West)
 San Juan County, Colorado

DATE OF SURVEY
 10/15/2018

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