

San Joan County, Colorado
Application for Improvement Permit

| | Name | APPROVAL CHECKLIST | Initial | Date |
|--------------------------------|---------|-----------------------------------|---------|------|
| Applicant: | Name | Land Use Administrator | | |
| | Address | Land Use Administrator | | |
| | Phone | Ownership of Surface | | |
| Owner | Name | Ownership of Minerals | | |
| | Address | Vicinity Map | | |
| | Phone | Certified Survey Plat | | |
| Contractor | Name | Monumentation | | |
| | Address | Basic Plan Map | | |
| | Phone | Plans and Drawings | | |
| Legal Description of Property: | | Road System Relationship | | |
| Township N, Range W, Section | | Zoning Compatibility | | |
| | | State Mining Permit | | |
| | | Owner Notification | | |
| | | Avalanche Hazard | | |
| | | Geologic Hazard | | |
| | | Floodplain Hazard | | |
| | | Wildfire Hazard | | |
| | | Mineral Resource Impact | | |
| Nature of Improvement Planned: | | Wildlife Impact | | |
| | | Historic Site Impact | | |
| | | Watershed Gearance | | |
| | | | | |
| | | | | |
| | | | | |
| Land Use Zone: | | County Building Inspector | | |
| Applicant Signature | | Building Permit | | |
| | | | | |
| | | State Electrical Inspector | | |
| Date Application Requested | | Electrical Permit | | |
| Date Submitted for Permit | | San Juan Basin Health Unit | | |
| Date Permit Issued | | Sewage Disposal: Test | | |
| Date Permit Denied | | Design | | |
| Reason for Denial | | Central Sewage Collection | | |
| | | State Division of Water Resources | | |
| | | Adequate Water Source | | |
| | | Well Permit | | |
| | | Central Water Distribution | | |
| | | U.S. Forest Service/BLM | | |
| Receipt | | Access Approval | | |
| FEE PAYMENT | | State Division of Highways | | |
| Amount | Date | Driveway Permit | | |
| | | Application | | |
| | | Building Permit | | |
| | | Subdivision/PUD | | |
| | | Hearing Notice | | |
| | | Subdivision Variance | | |
| | | Subdivision Approval | | |
| | | PUD Approval | | |

SAN JUAN COUNTY

SUPPLEMENT TO APPLICATION FOR IMPROVEMENT AND LAND USE PERMITS

(Attach additional sheets as necessary)

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

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

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

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

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

B. Property Description/location/size (3-102.3): _____

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

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

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

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

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

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

C. What is the proposed improvement or use? _____

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

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

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

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

2. Applicable Land Use Zone: _____; elevation of property? _____

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

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

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

- Does the proposed use adversely affect natural and scenic environment? If so, how? _____
-

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

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

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

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

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

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

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

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

Watershed Protection? (1-107.6)

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

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

4. Master Plan Compliance (4-103.3):

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

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

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

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

A. How many other parcels are accessed via same road? _____

B. How many other parcels are located within the same drainage basin or other relevant area and might be affected by drainage from the property? _____

C. How many other parcels are located within the same air shed? _____

D. Are any other parcels likely to obtain water from any underground source which is interconnected with any underground water source which is proposed to be tapped for water for use on the property? If so, how many? _____

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

Avalanche Hazard (Chapter 8)

Geologic Hazard (Chapter 9)

Floodplain Hazard (Chapter 10)

Wildfire Hazard (Chapter 11)

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

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

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

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

Y N Wildlife

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

Y N Noise

Y N Water pollution

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

Y N Soil contamination, erosion, etc.

Y N Hazardous materials/substances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deeded water right

Central water system

Well permit

Water storage system

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

Central sewer system existing or new

Individual septic system permit

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

a. electric SMPA service commitment

other _____

b. telephone communications land line service commitment

cell phone service available

satellite phone service available

other

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

Fire

EMS

Law Enforcement

Mountain or back country rescue

Other _____

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

Fire _____

EMS _____

Law Enforcement _____

Mountain or back country rescue _____

Other _____

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

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

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

21. Are any special permit conditions needed to:

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

CHAPTER THREE
UNIFORM REQUIREMENTS

3 – 101 PURPOSE AND APPLICABILITY

Uniform requirements apply to any and all applicants for an Improvement or Use Permit, regardless of the nature of the improvement, use, location, zoning district or presence or absence of hazard areas. The purpose of this provision is to insure uniformity in dealing with changes or improvement in land use or structures; to properly identify parties involved in and responsible for activities, development, improvements or changes in land use or structures; and to provide the County with a uniform means of reviewing, approving, monitoring or regulating activities, uses, growth, development or improvements for the purposes of: assessment; taxation; police and fire protection; protection of public health, safety and welfare; provision of services; maintenance of road systems; avoidance of hazards; protection and conservation of natural resources; protection of the environment; preservation and protection of historically, archeologically, economically or other significant areas, sites and structures; preservation and protection of scenic areas and vistas; preservation and diversification of the economy; and future planning.

3 – 102 REQUIREMENTS FOR PERMIT APPLICATIONS

Each application for an Improvement or Use Permit shall include, or be accompanied by, the following information:

- .1 The name, mailing address, street or rural address, telephone number and e-mail address of:
 - (a) The applicant for the permit.
 - (b) All owners of the property, including owners of any mineral rights, water rights, timber, etc., who might be affected by the proposal.
 - (c) Any agents authorized to act on behalf of the owner or the applicant. If the applicant is not the owner of the property, the applicant shall include a signed letter of authorization from the property owner allowing them to submit the application.
 - (d) Any contractor retained or to be retained to accomplish any portion of the improvement.
- .2 Proof of ownership of the property (including all mineral rights) and of deeded access to the property or, in the event the property is not owned in its entirety by the applicant, proof of binding, irrevocable consent of all owners of the property or of any mineral rights associated with the property to the development plan. In case of an application to conduct any mining activity, a lease of the property of sufficient duration to permit the completion of all activities intended under the development application may suffice.

- .3 Legal description of the property, to include:
 - (a) Parcel name, if any.
 - (b) Survey number, tract number or other recorded identifying number of the parcel.
 - (c) Location of the parcel by Township, Range and Section.
 - (d) Acreage of the entire parcel involved, to the nearest tenth of an acre.
 - (e) Zoning classification of the parcel.
- .4 A vicinity map showing the surveyed boundaries of the property shall be depicted on a USGS 1:24,000 topographic map.
- .5 A list of the names and mailing addresses for all property owners within 1,500 feet of the perimeter of the property to be developed, accompanied by pre-addressed, stamped legal envelopes for each name on the list. This requirement shall not apply to improvement permits sought to build a single family dwelling in an existing approved subdivision or PUD.
- .6 If the application concerns a subdivision of land, a proposed rezoning, a PUD, or a use which is not allowed by right, the County shall require:
 - (a) A certified survey plat of the property (or of any portion thereof proposed to be developed if less than the entire parcel is to be developed) together with all roads or other means of accessing the property shown to the nearest public road and if it is impractical to survey the entire parcel, including metes and bounds descriptions, and the bearing to an established survey monument, mineral monument, bench mark or other monument. The survey plat shall be drafted on mylar sheets, wet stamped and signed by a Colorado licensed surveyor and filed for the record in San Juan County Clerk and Recorder's Office. The licensed surveyor shall establish and certify permanent monuments at each corner of the property. A US Mineral Survey is sufficient description for mining activities.

Because the precise boundaries of San Juan County have not been surveyed, if the property or parcel on which development is being proposed may include land lying in another county, the survey required by this section shall be performed by the San Juan County Surveyor who, in conjunction with the county surveyor of any other counties in which any portion of the property or parcel may lie and in conformity with any applicable state statutes, shall locate and monument on the property the precise location of the County line, as fixed by state statute. The applicant shall bear all costs associated with this special survey requirement. No development shall be permitted in San Juan County on any mining claim or other parcel which lies both in San Juan and in another county if any development has occurred on any portion of the parcel lying in another county. Any use, improvement or development

authorized by San Juan County must be located on the portion of the property lying within San Juan County.

- (b) A copy of the certified survey plat upon which the applicant shall provide by sketch or plan:
 - (i) The relative location of existing and proposed improvements, buildings, structures, roads, trails, ditches, fences, tramways, portals, shafts, other surface features or disturbances and all historic sites and features.
 - (ii) All adjoining property, and the owners, or the agencies responsible for the management thereof.
 - (iii) Location of natural land features, to include topography, rivers, streams, lakes, ponds, wetlands, gullies, cliffs and major vegetation.
- (c) The applicant shall provide to the County all survey data in an approved electronic format.

Add to 3-102.6 [survey requirements] the following provision:

- .7 Information as follows shall be submitted in accordance with the adopted Skyline Development Standards:
 - (a) Photographs of the current site conditions of the property and specifically, photographs of the proposed development location shall be taken from any roads, highway, railroad or Town of Silverton from which the proposed improvement or use may be visible.
 - (b) Computer generated or other representations showing the proposed improvement or use against the background of the surrounding area and sky as the improvement or use will appear when completed.
 - (c) When compliance with the Skyline Development Standards cannot be sufficiently determined or at the request of the Land Use Administrator, the applicant shall erect story poles connected by visible tape (e.g., construction tape) that clearly illustrate the full massing of the proposed structure.
- .8 Sketch and/or site plans, floor plans, diagrams and technical drawings as may be required by the Building Code and related codes as adopted by the County;
 - (a) A general or conceptual site plan at Sketch Plan Review and a detailed, accurate site plan at Preliminary and/or Final Review illustrating the following:

- (i) Location and dimensions of all proposed improvements, buildings, other structures and building or activity envelope, including the distance from property boundaries; Location of all existing and proposed elevation contours at 2-foot intervals within the building or activity envelope;
 - (ii) Location and size of cistern, well or water lines;
 - (iii) Location and size of septic system, greywater system or alternative system;
 - (iv) Location and size of any other improvements such as patios, decks, storage sheds, solar collectors/panels, generators, propane tanks, trash receptacles, electric lines, etc.;
 - (v) Location and dimensions of access driveways, walkways and parking areas;
 - (vi) Identification and location of any historic features and historic trails on the property including description, location and dimensions; and
 - (vii) Location and width of any easements or rights-of-way for County roads, trails and Federal government roads.
- (b) General or conceptual building floor plans and elevations, drawn to scale, for Sketch Plan Review and detailed, accurate floor plans, elevations and details, drawn to scale, and building materials and colors specified for Preliminary and/or Final Review to facilitate the County's review of the building and its general safety.
- (c) The exact location of all proposed improvements and building sites (or building/activity envelope) must be identified on the property via the installation of survey stakes and survey flagging. Upon approval of the Improvement or Use Permit, flagging and/or staking that identifies the exact location of the approved building footprint or building/activity envelope in relationship to the property boundary shall be installed by a Colorado licensed surveyor to identify the development and building location(s) during the building permit and construction process. Land Use Administrator or designee shall inspect and approve the flagging and/or staking of the proposed development prior to commencing construction activities.

.9 Proof of an adequate water source for the use intended, to consist of either:

- (a) A decreed and adjudicated surface water right.

- (b) Evidence of ability and authority to join in an existing central water distribution system defined by name and mailing address.
 - (c) A well permit issued by the Colorado Division of Water Resources.
 - (d) A written statement from the Colorado Division of Water Resources on the feasibility and adequacy of the water source and its possible effects on actual and decreed uses of water.
 - (e) In the absence of available water on the property, evidence of having an adequate transfer and water storage system.
- .10 Evidence of a proven method of sewage disposal. The County requires an engineered waste disposal system or other proven waste disposal system in addition to San Juan Basin Health approval. Upon installation, the County may continue to review and inspect the waste disposal system to ensure that is operational and in compliance with applicable health and environmental standards. Proof of adequate sewage disposal may consist of the following:
- (a) Clearance and approval from the San Juan Basin Health Department of a professionally engineered or a designed proven alternative individual sewage disposal system.
 - (b) The ability and authority to join an existing central sewage disposal collection and treatment system.
 - (c) The ability to create a central sewage collection and treatment system, verified by the San Juan Basin Health Department and the Colorado Department of Health.
- .11 Information on the location of the property and the proposed improvements relative to the County Road System and the State of Colorado Highway System.
- .12 A completed and approved application for a driveway permit from the Colorado Division of Transportation (CDOT), if a new access road or driveway intersects U.S. 550; or from the County Road Supervisor, if a new access road or driveway intersects any County road or County maintained road, including all U.S. Forest Service (USFS), Bureau of Land Management (BLM) or other roads for which the County has maintenance responsibilities.
- .13 Written approval of an access easement or other irrevocable or permanent grant of access from the U.S. Forest Service (USFS) or the Bureau of Land Management (BLM), as appropriate, if a new or improved road or driveway crosses public land. If an access road or driveway serves more than one (1) parcel, all properties served by that road or drive shall enter into a use and maintenance agreement as a condition of any land use approval.
- .14 A project number shall be assigned by the County and applied to all files, maps, documents, permits, certificates and correspondence relating to the application.

- .15 All dates related to the application submittal, public notice, review, approval, denial, permit issuance and/or other aspects of the project shall be noted in the file by the County.
- .16 The amounts and payment of all fees.
- .17 Any and all information which may be required in connection with Sections 3 – 103 and 3 – 104 for a given case.
- .18 Proof that all property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property.

3 – 103 POSSIBLE REQUIREMENTS

Applicants are reminded that a variety of specific requirements exist for specific instances beyond those specified in Section 3 – 102, involving possible requirements and regulations from federal, state, special districts or municipal jurisdictions. Specific submittals may also be required for Chapters 7, 8, 9, 10, or 11 regarding special impact analyses. While the list incorporated in the application for Improvement or Use Permit is designed to cover the most common and uniform requirements, it cannot be deemed an exclusive list of requirements for all possible circumstances, and it is not purported to be such. Depending upon the type of activity, development, improvement or use being proposed, other agency approvals or clearances may be required for items such as, but not limited to, water discharge, potable water sources and clearances for utilities in relation to railroad or highway right-of-way. These, and other similar items, may be incorporated as prerequisites for the granting of an Improvement or Use Permit as applicable under this Code.

3 – 104 CONSTRUCTION AND BUILDING CODES ADOPTED

The Board of Commissioners may, on occasion, adopt various codes relating to construction and buildings. The provisions of any code so adopted apply to applications submitted under this Regulation. The most stringent provision of any code or regulation applies.

3 – 105 HISTORIC IMPACT CLEARANCE

It is the intent of this provision is to protect and preserve the historical assets of the area including historic structures, sites, and other cultural assets within San Juan County. Applicants are required to obtain clearance from the Land Use Administrator regarding any possible impacts on historic sites or structures prior to the issuance of an Improvement or Use Permit. The procedure for obtaining this clearance is as follows:

- .1 The Land Use Administrator shall submit copies of all maps, plans and drawings to the Historic Impact Review Committee. This committee is established by San Juan County Resolution 94 – 4 for the purpose of reviewing applications for Improvement or Use Permits and determining the potential impact on historic sites and structures.

- .2 The Historic Impact Review Committee, within thirty (30) days of receiving a request for review, shall provide the Land Use Administrator with a written recommendation regarding the proposed improvement or use as it relates to the historic site and structures.
- .3 The Land Use Administrator and the applicant shall then review and discuss the recommendations from the Historic Impact Review Committee. If the applicant accepts the Committee's recommendations and agrees to act in accordance, then the Land Use Administrator shall approve the Historic Site Impact Review portion of the application.
- .4 If the applicant does not accept the recommendations from the Historic Impact Review Committee or for any reason believes that the recommendations are excessive or inappropriate, the Land Use Administrator shall direct the applicant to utilize the Review and Appeal Process detailed in Chapter 12 of this Code.

3 – 106 HEALTH IMPACT CLEARANCE

Applicants for an Improvement or Use Permit are required to obtain clearance from the Land Use Administrator regarding possible impact on public health prior to the issuance of the permit. The procedure for obtaining this clearance is as follows:

- .1 Whenever an improvement, activity or use is proposed which may adversely affect the health of humans or animals, including wildlife, in a substantial or significant way, the applicant shall address the potential health impacts of the proposed activity in writing as part of the permit application.
- .2 Any application for an activity, improvement or use which may pose a potential health impact may be referred by the Land Use Administrator to the County Nurse, the Department of Health, or any other entity for review, comment and/or suggestions for minimization of the potential health impacts posed by the proposed activity, improvement or use. Such comment, if any, shall be submitted to the Land Use Administrator within thirty (30) days after the written request for same.
- .3 Among the health impacts which shall be addressed and reviewed pursuant to this provision are dust, chemical or other contaminants, fumes, smoke, noise, pollution of air, water or soil, and any other identifiable risk or hazard to humans or animals, including wildlife.
- .4 Any applicant who proposes an activity, improvement or use which involves the production, use, handling or transport of any material which has been identified by any public agency as a potential health risk, including but not limited to any materials deemed hazardous by any governmental agency, shall be required to address whether alternatives exist for any part of the proposed activity, improvement or use so as to minimize any health risks which may be associated with the proposal. It is specifically the intention of this regulation, whenever feasible, to require that an applicant utilize the least harmful alternative for any activity, improvement or use proposed.

3 – 107 COUNTY ROAD IMPACT CLEARANCE

In addition to the authority for adopting zoning and land use regulations, the Board of County Commissioners recognizes the following sections of Colorado Revised Statutes in regulating the impacts on County roads: C.R.S. 43-2-111, 43-2-208, 43-2-147, 42-4-510 & 511, 42-4-510(3) and 42-4-512.

Applicants for an Improvement or Use Permit are required to obtain clearance from the County Roads Supervisor and/or Land Use Administrator regarding possible impacts on or to County roads prior to the issuance of the permit. The procedure for obtaining this clearance is as follows:

- .1 The Land Use Administrator, through examination of the permit application and discussion with the County Roads Supervisor, shall determine if the proposed activity, improvement or use might reasonably be expected to impact any County road in one or more of the following ways:
 - (a) Threaten damage to the road surface, road base, shoulder, culverts or bridges.
 - (b) Create an unacceptable amount of airborne dust.
 - (c) Threaten the safety of the traveling public or interfere with other users of any road.
 - (d) Cause unnecessary road closures or unnecessarily long delays for the traveling public.
 - (e) Threaten environmental damage in case of spills of transported materials or otherwise.
- .2 If the Land Use Administrator and County Roads Supervisor determine that an impact described in Section 3 – 107.1 might reasonably be expected to occur, then they shall meet with the applicant for the purpose of discussing methods to mitigate the expected impact. Such mitigation may include, but is not limited to: annual impact fees, the setting of weight or load limits, the setting of trip limits or speed limits, active dust control, watering, paving, the posting of temporary warning signs, the use of flagmen, limiting the hours of use, or requiring the applicant to upgrade road conditions to handle the proposed use.
 - (a) Unless an unusual circumstance or abnormal road condition exists, it shall be presumed that twenty (20) vehicle trips per day is a reasonable amount.
 - (b) Unless an unusual circumstance or abnormal road condition exists, it shall be presumed that the weight limits set by state statute for dirt

surface unimproved secondary state highways are reasonable for County roads.

- (c) In the case of mining operations (not reclamation) where the applicant will be paying a production tax to the County in an amount anticipated to be greater than the cost of road repairs, no bond shall be required, and if such a production tax is in fact paid, no assessment shall be made for the cost of road repairs. In all other cases, the applicant shall be required to post a bond in an amount equal to one and one half times the anticipated cost of repairing any damage to County Roads.
 - (d) The applicant shall take all reasonable precautions to protect the public from any danger or adverse health impacts attributable to the permitted activity and to protect and prevent damage to the County roadways.
- .3 No work to maintain, improve or upgrade County roads, or in the case of snow removal to clear County roads, shall be performed by non-County personnel unless specifically authorized by the terms of a permit issued by the County or by a separate agreement with the County. Any work performed by non-County personnel shall be in conformity to the County's standards and shall restore or maintain the affected County road to a condition equal or superior to the condition that existed prior to the permitted activity, and shall be guaranteed by the person or entity performing the work for a period of one (1) year as to quality of materials and workmanship employed. All work performed by non-County personnel must be inspected and approved by the County Roads Supervisor and the County's Engineer or their designee. No bond shall be released until not less than one year after the County has given written approval all works performed as herein provided
- .4 If the Land Use Administrator, Roads Supervisor and the applicant all agree on a method of mitigation, then it shall be approved by the Administrator and shall become a condition of the Improvement or a Use Permit. If an agreement cannot be reached, then the Land Use Administrator shall impose such conditions as deemed reasonable and the applicant shall be instructed of their right to utilize the Review and Appeal process as described in Chapter 4 of this Zoning and Land Use Regulation.
- .5 It is the policy of San Juan County that:
- (a) There will be no expansion of the existing system of roads maintained by the County;
 - (b) The County will not improve or maintain any roads beyond their current level regardless of future changes or increases in use;
 - (c) The County makes no commitment to continue existing levels of maintenance of any roads and may reduce or discontinue maintenance on existing County-maintained roads at any time for any reason at the sole discretion of the Board of County Commissioners;

- (d) All County roads in San Juan County are considered seasonal access only. Access via such roads shall be prohibited whenever snow or other weather or other conditions render such roads susceptible to damage or dangerous to the traveling public;
- (e) The County will not provide winter snow removal or maintenance on any roads which it does not currently maintain during the winter months. The County may cease providing winter road maintenance on any road at any time for any reason at the sole discretion of the Board of County Commissioners.
- (f) The County may prohibit any private work or maintenance on County roads (including but not limited to grading, snow removal or the like) at the County's sole discretion.
- (g) Where any proposed land use within San Juan County may increase traffic on any County road which, in the County's view, may make travel unsafe on narrow or otherwise limited County roads, the County may deny the permit, require that the proposed use or development be limited so as to not generate traffic beyond that level which can safely be accommodated by the existing roadway, or require the applicant to improve the road to that level which the County determines will be required to safely handle the level of use contemplated by the proposed use or development.

3 – 108 EXPERT ASSISTANCE

If, in the sole discretion of the Land Use Administrator, the Planning Commission or the Board of County Commissioners, as the case may be, an Application for Improvement or Land Use Permit (including an application which proposes the subdivision of land) proposes a use or development which cannot be adequately evaluated by the County without expert assistance, the County will advise the application in writing of its determination of the need for expert assistance. Where possible, such notice shall identify the expert or experts which the County proposes to retain and an estimate of the probable cost of the services to be used. Unless the applicant withdraws the application within ten business days after receipt of such notice, the applicant shall be deemed to have irrevocably agreed to reimburse the County for the cost of such expert services, up to the amount of the estimate given. The County may, before further processing of the application, require the applicant to deposit with the County an amount sufficient to cover such costs. Failure to deposit such costs when required shall be deemed to be a withdrawal of the permit application. Final issuance of any permit shall be specifically conditioned upon the applicant's payment in full of all expert costs and fees incurred by the County in connection with its evaluation of the Application for Permit.

CHAPTER FOUR
REVIEW AND APPEAL PROCESS

4 – 101 PURPOSE

The purpose of the establishment of the Review Process is to guarantee a uniform means by which San Juan County and the San Juan Regional Planning Commission, may review, study, accept, modify or reject zoning and land use proposals requiring approval from the County Commissioners, or any special impact clearance referred for action of the County Commissioners. Except as otherwise provided in these regulations, all applications for review under this Chapter shall be considered in a four step process consisting of Administrative Review, Sketch Plan Review, Preliminary Plan Review and Final Plan Review by Planning Commission and Board of County Commissioners. Applications for a permit to construct a single family residence outside of an approved subdivision or PUD as a Use Subject to Review shall generally be permitted to be reviewed under the process of Administrative Review pursuant to 4-104 followed by appearance before the Planning Commission and before the Board of County Commissioners for combined preliminary and final plat approval. This streamlined process will not be utilized if either the Planning Commission or the Board of County Commissioners requires any material modifications of the proposed plan during their review.

4 – 102 APPLICABILITY

Certain parties are required by this Code to participate in the Review Process established in this chapter, and certain other parties may participate in the Review Process as follows:

- I. Parties who are required to participate in the Review Process of this Code are:
 - (a) Applicants whose proposal requires a PUD, a Use Subject to Review, or is located in an Overlay Zone, as defined in Chapter 1 of this Code.
 - (b) Applicants required to utilize the procedure for special impact analysis purposes, as provided for in Chapters 8, 9, 10 and 11 of this Code.
 - (c) Unless expressly required to do so by some other provision of this Code, an applicant for an Improvement Permit to construct any structure upon a lot in a subdivision or PUD previously approved by San Juan County under its Land Use Code for such

use, may have their application for Improvement Permit reviewed/approved administratively by the Land Use Administrator.

2. Parties who may participate in the Review Process are:
 - (a) Those who wish to seek clarification or interpretation of this Code as it relates to specific plans.
 - (b) Those who wish to present plans for a major form of development or improvement for the information of or comment from the County Commissioners or the Planning Commission, when not otherwise required to appear by this Code.

4 – 103 STANDARDS FOR REVIEW

In conducting a review under Chapter 4 of the Code, the County shall consider all proposals in the context of all existing or potential uses of other properties in the relevant vicinity of the proposed use. Relevant vicinity of the proposed use shall be determined by the Land Use Administrator considering all relevant information including but not limited to existing or proposed roads, topography, view sheds, and geographic, geologic or other natural characteristics such as avalanche zones, watersheds, and the like.

1. The County recognizes that development or use of individual properties may have impacts on other properties, including County roads. Further, the County recognizes that the cumulative impact of individual development or use of properties within an area may create impacts and service demands different from or greater than the impacts and service demands of an individual development proposal. Finally, the County recognizes that unless the potential cumulative effects of development are considered in connection with each development or use proposal, future development and use of properties may be adversely affected or precluded because of effects caused by development or uses that are approved without consideration of cumulative impacts. For these reasons, the review process described herein requires the consideration of cumulative impacts of all potential development and uses within an area in connection with any proposal being reviewed under this Chapter.
2. In conducting a review under Chapter 4 of the Code, the County shall consider all proposals in the context of all existing or potential uses of other properties in the vicinity of the proposed use. This shall require consideration of each of the factors listed herein not just for the proposed use in isolation but rather in conjunction with all existing and potential uses of other properties in the vicinity so as to

permit the County to assess the overall impacts of development in the general area of the proposed use.

3. All applications for review under this Chapter will be examined initially to determine whether the proposal is consistent with the County's Master Plan. If consistent with the Master Plan, all applications will be reviewed to determine whether, based upon the objective facts contained within the record before the reviewing body:
 - (a) The proposal will have any adverse impact on public health, safety, morals or welfare.
 - (b) Adequate potable water is available or can be developed to safely support the proposed use, including fire control and suppression.
 - (c) Adequate sewage disposal can be provided to support the proposed use.
 - (d) The proposed use will have any adverse effect on public or private property in the vicinity of the development.
 - (e) The proposed use will have any adverse effect on scenic values, historic sites or structures, air or water or environmental quality, wildlife (including habitat, food sources, migration routes, hunting, etc.), erosion or other geological condition.
 - (f) Adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services. "Adequate access" shall require proof that any access is either a public San Juan County road or state highway or else a private road or other access which meets the following minimum standards:
 - (i) have adequate water bars, bar ditches, culverts and other drainage improvements to prevent erosion of the road which might interfere with access; and
 - (ii) be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between

the parcel being improved and the nearest public San Juan County road or state highway. If access is via a private road, the applicant also shall either prove that an existing access permit exists for the road issued by San Juan County (if the private road intersects a County road) or by CDOT (if the private road intersects a state highway) or by another county (if the private road intersects a county road lying in another county) or else shall apply for and obtain an access permit for the private road from the relevant agency.

- (g) Adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services.
 - (h) Adequate utilities are or can be made available for the proposed use, unless deemed unnecessary or not practical.
 - (i) Adequate emergency services exist to serve the proposed use, unless deemed unnecessary or not practical.
 - (j) There are natural hazards which may adversely affect the site or the proposed use of the site. (see Chapters 8 – 11 of this Code).
4. In addition to all other powers which the County may have with regard to review under this Chapter, the County shall have the authority to:
- (a) Require the applicant to provide evaluations, studies, reports, designs or opinions from qualified experts, approved by the County, with regard to any of the factors listed above or with regard to the design or siting of any proposed development or use.
 - (b) Require the proponent to provide additional information with regard to any factor listed above to permit the County to make an informed decision regarding the application.
 - (c) Condition approval of a proposal on the elimination of any hazard, condition or effect identified by the review process or in Sections 1 – 113 through Section 1 – 116 of this Code.
 - (d) Require as a condition of approval the mitigation (either on the property where the use is proposed or on public or private property, with the consent of the owner) of any hazard, condition

or effect identified by the review process or in Sections 1 – 113 through Section 1 – 116 of this Code.

(e) Reject the application because of hazards, conditions or effects identified in the review process or in Sections 1 – 113 through Section 1 – 116 of this Code. In the event the County denies approval after review, the denial of an application pursuant to this provision shall identify the hazard, condition or effect on which the denial is based.

5. A Land Use or Improvement Permit must be issued by the County when the County finds that the applicant has sustained the burden of proof that the proposed development, activity or use, including best management practices, if any, does not present or create an adverse effect to the resources sought to be protected or utilized within the overlay district, or districts. Such a permit will be denied when the County determines that the applicant has not sustained such burden of proof.

4 – 104 ADMINISTRATIVE REVIEW

Administrative review shall consist of informal discussion and a required site visit with County Staff of the proposal being reviewed between the applicant and County staff. The purpose of this step shall be for County staff to explain the review process to the applicant, to obtain information concerning the proposal including the gathering of all information necessary for the applicant to meet the sketch plan requirements, to determine whether the proposal is consistent with the County Master Plan and the Land Use Code, to determine whether a proposal requires additional expert review under Chapters 8, 9, 10, and 11, and Sections 3-105, 3-106, and 3-107, or any other provisions of the Code, and whether additional detail or information is needed to evaluate the proposal.

1. The Administrative Review process shall be completed as quickly as possible from the date of receipt of a completed application and payment of required fees but in any event within thirty days, unless a longer period is required by extensions requested by the applicant or by applicant's delay in providing needed information.
2. On completion of the Administrative Review, the proposal shall be scheduled for sketch plan review before the Planning Commission.
3. For any property or parcel any portion of which may lie in another county or to which access may be obtained via roads lying in another county, the Land Use Administrator shall notify the other county of the

proposed development or improvement and seek input from such county regarding the proposed development or improvement.

4 – 105 SKETCH PLAN APPEARANCE

The initial appearance before the Planning Commission shall be termed the Sketch Plan Appearance. The purpose of the Sketch Plan is to allow the applicant to present his/her proposed activity, use, improvement or development to the County in general terms, sufficient for a complete understanding of the project and any potential problem areas, but not requiring detailed plans and specifications. Applicants shall be subject to the following requirements:

- .1 Upon completion of the Administrative Review specified in Section 4 – 104, the applicant shall submit at least two (2) copies of oversize maps, and as many copies of all other application materials as deemed appropriate to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Planning Commission. Such appearance shall be scheduled no sooner than ten (10) days, nor longer than forty (40) days, from the date of the submission of the required copies of the complete application.
 - (a) The applicant shall provide the Land Use Administrator with a list of names and mailing addresses for all property owners within 1,500 feet of the perimeter of the property, accompanied by pre-addressed, stamped legal envelopes for each name on the list. The Land Use Administrator shall then send written notification to each property owner at least ten (10) days prior to the public meeting.
 - (b) If the application is for an activity, use, improvement or development located within the Town/County Mutual Zone, the Land Use Administrator shall deliver a copy of the complete application to the Town of Silverton within three (3) days from the date of the submission of the required copies of the application.
 - (c) If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall deliver a copy of the complete application to the relevant county within five (5) working days from the date of the submission of the required copies of the application together with a request that such county review and comment upon such application.

- (d) The Land Use Administrator shall deliver a copy of the complete application to the fire district or authority having jurisdiction over the property within five (5) days from the date of the submission of the required copies of the application together with a request that the fire district or authority provide any comments regarding such application at least seven days prior to the scheduled Sketch Plan appearance before the Planning Commission.
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- .2 The Planning Commission shall then review the application with the applicant to determine its compliance with the County Zoning and Land Use Regulation and its conformance to the County Master Plan. In conducting such review the Planning Commission may suggest or require the submission of any additional material or information it deems appropriate in order for the Commission to be able to make a determination and recommendation to the Board of County Commissioners.
 - .3 Within five (5) days from the completion of its Sketch Plan review, the Planning Commission shall submit its recommendation, accompanied by five (5) copies of the complete application, to the Board of County Commissioners.
 - .4 The Board of County Commissioners shall schedule a public hearing for the Sketch Plan within thirty-five (35) days from receipt of the recommendation of the Planning Commission. The notice shall be posted and published at least seven (7) days prior to the public hearing. In making its decision regarding the Sketch Plan, the Board may take any of the following actions:
 - (a) Approve the Sketch Plan with permission to proceed with Preliminary Plan.
 - (b) Approve the Sketch Plan with conditions or stipulations.
 - (c) Refer the Sketch Plan back to the Planning Commission for further evaluation.
 - (d) Deny the application and permit. In such a case the Board shall provide the reason for the denial to the applicant in writing.
 - (e) Take other action consistent with this Code.

4 – 106 PRELIMINARY PLAN APPEARANCE

The next appearance before the Planning Commission, after approval of the Sketch Plan by the Board of County Commissioners, shall be termed the Preliminary Plan Appearance, and must be made no later than six (6) months after the Sketch Plan approval. Failure to appear within six (6) months shall result in the applicant being required to begin anew with the Sketch Plan unless the Board of County Commissioners, for good cause shown, waives conformance with this deadline. The purpose of the Preliminary Plan is to allow the applicant to present their proposed activity, use, improvement or development to the County in specific terms, complete in every appropriate detail including plans and specifications for structures, roads, utilities and other improvements. Applicants shall be subject to the following requirements:

- .1 The applicant shall consult with the Land Use Administrator to determine what materials will be required for the presentation. After a satisfactory consultation the applicant shall then submit at least two (2) copies of oversized maps and as many copies of the complete presentation as deemed necessary to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Planning Commission. Such appearance shall be scheduled no sooner than ten (10) days, nor longer than forty (40) days, from the date of the submission of the required copies of the complete presentation.
 - (a) If the presentation is for an activity, use or improvement located within the Town/County Mutual Zone, the Land Use Administrator shall deliver a copy of the complete presentation to the Town of Silverton within three (3) days from the date of the submission of the required copies of the presentation.
 - (b) If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall deliver a copy of the complete application to the relevant county within five (5) working days from the date of the submission of the required copies of the application together with a request that such county review and comment upon such application.
 - (c) The Land Use Administrator shall deliver a copy of the complete application to the fire district or authority having jurisdiction over the property within five (5) days from the date of the submission of the required copies of the application together with a request that the fire district or authority provide any comments regarding such application at least seven days prior to the scheduled Preliminary Plan appearance before the Planning Commission.
- .2 The Planning Commission shall then review the presentation with the applicant to determine its accuracy and completeness, its compliance with

the County Zoning and Land Use Regulation and its conformance to the County Master Plan. In conducting such review the Planning Commission may suggest or require the submission of any additional material or information it deems appropriate in order for the Commission to be able to make a determination and recommendation to the Board of County Commissioners.

- (a) The Planning Commission may, at its discretion, and will if so directed by the Board of County Commissioners, or if required by law, submit copies of the Preliminary Plan presentation to any or all local, state and federal agencies for review and comment, subject to the timetable specified in Chapter 7, Section 7-104. The copies required for these submissions shall be furnished to the Planning Commission by the applicant, along with the per copy mailing fee established by the Board of Commissioners for mailing and administrative costs, to be paid to the Planning Commission.
 - (b) If copies of the presentation are submitted to agencies in the manner described in (a) above, the Planning Commission shall have the authority to continue the Preliminary Plan presentation to a second meeting, to be scheduled to allow the proper time for agencies to respond, but in any event no later than fifty-one (51) days from the date of the original mailing to the agencies.
- .3 Within five (5) days from the completion of its Preliminary Plan review, the Planning Commission shall submit a recommendation, accompanied by five (5) copies of the complete presentation, to the Board of Commissioners.
- .4 Upon receipt of a recommendation from the Planning Commission, the Board of County Commissioners shall make one copy of the complete application available to the public at the County Courthouse and shall schedule a public hearing for the Preliminary Plan within forty-five (45) days.
- (a) The notice shall be posted and published at least seven (7) days prior to the public hearing.
- .5 In making its determination regarding the Preliminary Plan, the Board of County Commissioners may require the submission of more detailed plans or further information, including studies, reports or recommendations by certified or registered engineers or consultants, or by specially appointed committees or boards, as may be deemed necessary in order for the Board to make its decision.
- .6 The Board of County Commissioners shall, within forty-five (45) days from receipt of the recommendation of the Planning Commission, make a decision regarding the Preliminary Plan presentation. In making its decision the Board may make take any of the following actions:

- (a) Approve the Preliminary Plan with permission to proceed with Final Plan.
- (b) Approve the Preliminary Plan with conditions or stipulations.
- (c) Refer the Preliminary Plan back to the Planning Commission for further evaluation.
- (d) Deny the application and permit. In such a case the Board shall provide the reason for the denial to the applicant in writing.
- (e) Take other action consistent with this code.

4-107 FINAL PLAN APPEARANCE

The next appearance after approval of the Preliminary Plan by the Board of County Commissioners shall be termed the Final Plan Appearance, and must be made within six (6) months of the Preliminary Plan approval. Failure to appear within six (6) months shall result in the applicant being required to make a new Preliminary Plan presentation unless the Board of County Commissioners, for good cause, waives this deadline. The purpose of the Final Plan is to allow the applicant to present whatever material or information that may have been required by the Board of County Commissioners as a condition of Preliminary Plan approval; to make any necessary corrections (spelling, punctuation, etc.) to final documents; and to prepare final documents for signature and/or recording. Applicants shall be subject to the following requirements:

- .1 The applicant shall consult with the Land Use Administrator to determine what materials will be required for the presentation. After a satisfactory consultation, the applicant shall then submit the required materials to the Land Use Administrator, who shall then assist the applicant in scheduling their appearance before the Board of County Commissioners. Such appearance shall be scheduled no sooner than five (5) days, nor longer than thirty-five (35) days, from the date of the submission of the required materials.
- .2 If the application is for an activity, use or improvement located within the Town/County Mutual Overlay Zone, the Land Use Administrator shall notify the Town of Silverton and the fire district or authority having jurisdiction over the property at least fifteen (15) days prior to the date scheduled for the applicant's appearance. If the application is for an activity, use, improvement or development located on property any portion of which lies in another County or if access to the proposed activity, use, improvement or development may involve the use of roads lying in another County, the Land Use Administrator shall notify the

affected county at least fifteen (15) days prior to the date scheduled for the applicant's appearance before the BOCC for final plat approval.

- .3 The Board of County Commissioners shall review the Final Plan and make a decision within forty-five (45) days from the date of submission by the applicant. Said decision will be final, short of judicial review.
- .4 Failure to satisfy any condition or requirement imposed at the Preliminary Plan stage shall result in postponement or denial of the Final Plan.
- .5 If the submission is for an activity, use or improvement located within the Town/County Mutual Overlay Zone, the Board of County Commissioners shall inform the Town of Silverton in writing of its final decision.

4-108 FAILURE TO ACT

Failure of either the Board of County Commissioners or the Planning Commission to act within any time period specified by this chapter (or any extension of this time) will be deemed favorable approval by said body at the stage specified, and the applicant will be entitled to seek approval for the next phase of the review process.

4 – 109 CONSOLIDATION OF PROCEDURES

The Board of County Commissioners may consolidate or condense the procedures established in this chapter when the intent of this Regulation and the interests of efficiency are served.

- .1 In no case shall a Planned Unit Development (PUD) application be considered in any less than two (2) appearances before the Board of Commissioners.
- .2 Any applicant seeking to a consolidation of procedures shall make a written request to the Land Use Administrator and shall make his/her submission consistent with the requirements of the highest level approval being sought.

4-110 DESIGN AND DEVELOPMENT STANDARDS FOR ALL IMPROVEMENT AND USE PERMITS

All Improvement and Use Permit applications for individual development sites shall comply with the following design standards:

- .1 The design and development of the site shall preserve, to the greatest extent possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be re-vegetated with native plant, grass and wildflower species that are certified weed free as

soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

- .2 Areas subject to hazardous conditions, such as 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. Natural features such as riparian areas, wetlands, fens, tarns, springs, streams, rivers, ponds, lakes shall be protected from development with adequate setbacks for any building and other site improvements; minimum required setbacks are:
Rivers and Streams: 40 feet for residential development.
Fens: 30 feet for all development.
- .3 The applicant shall dedicate an easement sixty (60) feet in width or greater, if necessary for good engineering practices as determined by the County Roads Supervisor, for any County roads that cross their property. This requirement shall be measured from the existing roadway centerline and having thirty (30) feet on each side; the width may be reduced to protect sensitive landscapes upon approval of the County Engineer and /or the County Roads Supervisor.
- .4 The applicant shall allow continued public access on any historic public trails that cross the property. Applicant shall dedicate a trail easement ten (10) feet in width as measured from the existing trail centerline and having five (5) feet on each side; public access signage may be installed by the County.
- .5 New driveways providing access to private property from County roads shall start from the existing roadway elevation. The County road shall not be filled, cut or re-graded. Driveway intersections with County roads should be minimized whenever feasible and the use of shared driveway access is strongly encouraged.
- .6 Gates, posts, or permanent manmade structures shall not be built within thirty (30) feet from the edge of a County roadway. Additionally, no fences, berms or other manmade structures/features may be approved on a site due to potential visual or other environmental impacts.
- .7 The applicant shall obtain all necessary permits and shall comply with all applicable regulations from agencies such as San Juan Basin Health Department for septic and wastewater systems, Colorado State Division of Water Resources for well water, and Colorado Division of Oil and Public Safety for propane tanks. In addition to obtaining any required permits for an individual waste disposal system, the burden shall be on the applicant

to demonstrate convincingly that (1) the proposed waste disposal system will adequately handle or treat any generated wastes, regardless of any variables such as climate, elevation, soils, use, number of occupants, length of occupation/season, type of structure, etc.; and (2) that the system as designed will protect public health and the environment from any adverse effects of operation of the system regardless of any variables.

- .8 Any change in the waste disposal system shall require appropriate approval by the Board of County Commissioners and the San Juan Basin Health Department.
- .9 The hauling of potable water and storage in a cistern may be allowed, provided the applicant demonstrates that the proposed cistern capacity will adequately supply potable water and fire suppression water for the structure regardless of the number of occupants, length of occupation or natural conditions that may affect the water supply. A change in use will require review of the water source and supply system by the County.
- .10 Individual building sites shall be placed on the Town of Silverton's utility billing system for water and refuse prior to issuance of a building permit. Any applicant who obtains water from an approved permitted on-site well or purchases potable water from an acceptable source may be placed on the Town of Silverton's billing system for refuse only. All solid waste, garbage and refuse, shall be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is disposed at the Transfer Station.
- .11 Propane tanks that are 250 gallons and larger shall be buried where geologic conditions permit when there may be a risk of wildfire and a threat to public safety.
- .12 Any generators used for non-construction power on the property shall be properly baffled or enclosed in a structure to eliminate noise impacts.
- .13 Any wood-burning stove or device used on the site shall be the type and model approved by the Environmental Protection Agency (EPA) and shall be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire.
- .14 The potential need for any geotechnical, structural, hydrologic and similar engineering studies and design criteria, such as those for engineered foundations and drainage and runoff control shall be examined by the County Building Official and addressed at the building permit stage.
- .15 The building site shall comply with the following wildfire prevention standards:

- (a) Only fire-resistant materials that maintain a Class B rating or better shall be used for the construction of roof structures. Wooden or shake shingles are not permitted.
- (b) The applicant shall create a plan for defensible space based upon the types of structures to be protected, the topography of the area, and the types and density of vegetation present in the area.
- (c) An annual assessment of defensible space shall be conducted by the property owner to ensure the following:
 - (1) Trees and shrubs are properly thinned and pruned within the defensible space. Slash produced from thinning and construction operations is disposed of offsite (in a location with no fire hazard), or properly mulched.
 - (2) Roof and gutters are clear of debris.
 - (3) Branches overhanging roofs and chimneys are removed.
 - (4) Chimney screens are in place and in good condition.
 - (5) Vegetation is removed from within fifteen (15) feet of chimneys.
 - (6) Grass and weeds are mowed to a low height.
 - (7) Fire extinguishers are checked and in good working condition.
 - (8) Driveways and access points are cleared sufficiently to allow for emergency equipment that is compatible with the County road conditions.
 - (9) Escape routes are posted when appropriate.
 - (10) Trash and debris accumulations are removed from the defensible space
 - (11) Firewood is stacked at least fifteen (15) feet from any structure.

.16 Exterior building materials shall be naturalistic, subdued and non-reflective to minimize the visibility of the structure. If necessary, adequate

screening shall be installed to further reduce the visual impact of the structures, gas tanks or other site improvements.

.17 Exterior lighting, if used, shall provide a safe residential setting while preserving the Dark Sky environment and view of the stars.

- (a) Fixture styles, materials and colors should be compatible with the rural mountain character of the area and the scale should be consistent with their function. Exterior lighting shall be attached to the structure, shielded and down-cast. In all cases, lighting should be minimal and not extend beyond its tasks.
- (b) Full cut-off fixtures are required. Motion detectors are not encouraged and timers are prohibited.
- (c) Spillover or accent landscape lighting shall not be permitted. Lighting shall reflect downward away from adjoining properties.
- (d) The use of low wattage long-life lighting products is preferred. The use of photo voltaic or other renewable energy sources for lighting is encouraged. High intensity sodium vapor or similar lighting is prohibited.
- (e) Lighting shall not be allowed during times when the structure is unoccupied except if activated by a motion detector.

.18 Skyline Development Standards apply as follows:

- (a) Any improvement or use for which a permit is required shall not be silhouetted against the sky on hillsides or ridges as viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad
- (b) No parcel or lot shall be created when due to the location, vegetation or topography, it is likely that development or use of the property would result in structures or uses being silhouetted against the sky when viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad.
- (c) Ski lifts, tramways, zip-lines and related activities, that as a practical matter, are developed on ridgelines, shall be exempt from these regulations.
- (d) If an applicant for Improvement Permit on an existing lot provides evidence that no improvement is possible without - it

being silhouetted against the sky when viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango & Silverton Narrow Gauge Railroad, development is permissible only after the following standards have been satisfied:

- (1) The applicant shall determine whether a variance of other regulations, such as setbacks, would enable the proposed structure to be built without penetrating the skyline.
- (2) At least three of the following four techniques shall be used to minimize skyline silhouetting:
 - i. The building or development shall be less than twenty (20) feet high, as measured from lowest visible portion of the building, and having a height to width ratio of no more than 1:1.5.
 - ii. The building or development, including the roof, shall be of naturalistic, non-reflective, earth-toned materials that match the texture and color of the surrounding landscape.
 - iii. Innovative architectural techniques such as “stepping” or earth-sheltered design shall be utilized to minimize development visibility.
 - iv. The building or development shall be designed with more than fifty percent (50%) of it shielded from the line of sight as viewed from any San Juan County Road, State Highway, the Town of Silverton, or the Durango/ Silverton Narrow Gauge Railroad.
- (3) The development shall be screened with naturalist materials and native trees and plant materials that blend into the local environment. Screening shall be sufficient such that the development effectively disappears from the sight of the casual observer and that it is compatible with the immediate natural environment.
- (4) Development shall minimize earth and vegetative disturbance to the greatest extent possible.
- (5) The building site shall retain or enhance views of the landscape from points on the landscape, and not to enhance

views of the landscape from within the structure. If only silhouetted sites are available, the site least visible from the San Juan County Road, State Highway, the Town of Silverton, or the Durango/Silverton Narrow Gauge Railroad shall be developed.

.19 Scenic Quality Report

All development proposals, including structures associated with mining activities shall be required to include a Scenic Quality Report as part of the Sketch Plan submittal. A pre-application conference, including a site visit, shall be held with the Planning Director to identify specific view sheds that will be evaluated in the Scenic Quality Report. In order to minimize visual impacts to view sheds and view corridors, additional setbacks, landscaping, screening or design requirements may be required by the County to preserve the natural beauty and historical resources of the area. Each report shall include:

- (a) The designated view sheds shall include natural and historic features as seen from and toward the site. Provide written descriptions of these view sheds and how they will be preserved. Existing site photos and graphic depictions of the proposed development shall be submitted so that staff, the Planning Commission and the Board of County Commissioners can assess the visual impacts of the project on the view shed and the effectiveness of proposed mitigation measures. The Scenic Quality Report may be referred to the Historic Review Committee for review and comments regarding any impacts to historical assets of the area including historic structures, sites and other cultural assets located within San Juan County.
- (b) Evidence shall be provided to show that the location of the structure is designed to minimize the visual impacts and that it does not detract from the scenic quality of adjacent public lands, existing trails or historic resources.
- (c) Include evidence to demonstrate that the site improvements are designed and/or oriented in ways that allow them to blend in with and utilize the natural topography and vegetation. The report shall include, but not limited to, site photos, perspective sketches, photo-simulations and/or three-dimensional models at an appropriate scale.
- (d) Provide written descriptions and photos of the proposed building materials, colors and textures. Utilizing and integrating elements, colors and textures found naturally in the landscape are strongly

encouraged while use of reflective materials, such as highly reflective glass or metals is prohibited.

- (e) Describe any plans to remove and store topsoil on-site, prior to any grading or excavation, and how it will be replaced and reused for re-grading and re-vegetation purposes.
- (f) Provide a written description and plans that illustrate how the proposed development has been integrated into the landscape and that site disturbance and grading have been minimized. Roads, structures and other improvements shall bear a logical relationship to existing topography, vegetation and other site features.
- (g) Show how utilities will be located and installed in ways that will minimize impacts to the view shed and natural environment.

.20 Square Footage Limitations

- (a) All residential development located at or above 11,000 feet and below the alpine/tundra zone shall be limited to a maximum floor area of up to one thousand (1,000) square feet. Residential development of any sort within the alpine tundra ecosystem is strictly prohibited. All other development, including temporary and permanent structures, within the alpine tundra ecosystem is strongly discouraged and may be permitted only under limited circumstances when no reasonable or feasible alternative to such development is available. Ancillary uses associated with approved development at lower elevations (such as ski lift towers and other structures), necessary communication towers, and mining structures which cannot realistically be located underground are among the limited types of development which may be approved for location in the alpine tundra ecosystem. The source of elevation shall be based on the 1927 North American Vertical Datum 10,000-foot grid based on Colorado coordinate system, south zone.

The following elements are excluded from the Floor Area calculation:

- (1) Porches, decks, and terraces that do not have roofs or floors above and are open to the sky:
 - i. If such improvement is equal to or less thirty (30) inches above grade and is two hundred fifty (250) square feet or less;

- ii. If such improvement is more than thirty (30) inches above grade or greater than two hundred fifty (250) square feet, then it is calculated as Floor Area at fifty percent (50%) of the actual area.
- (2) A single-story, detached accessory building, no greater than 200 square feet.
- (3) Structures associated with mining activities are exempt from Square Footage Limitations (Section 4-110.20).

.21 Density and Use Limitations

- (1) All Improvement Permits for single-family residential development, if approved, shall allow a maximum of one (1) unit/parcel.
- (2) All Improvement Permits for single-family residential buildings, if approved, shall be limited to private, personal, residential use.
- (3) Anyone wishing to use a single-family residential building for Vacation Rental use shall first obtain and at all times maintain a current annual Special Use Permit for such use which shall require that all services and capacities be evaluated at the maximum possible occupancy, intensity and duration of use to ensure there are adequate services and capacities to accommodate the increased demand for potable water, wastewater facilities, trash, satellite or cell phone service, emergency access and parking. "Vacation Rental" shall be any rental of a residential unit for any period less than ninety days.

In addition to the foregoing, the following requirements shall apply to all vacation rentals:

- (i) Only one vacation rental unit shall be allowed for any one owner or group of related owners or related parties. "Related parties" shall include all entities in which any person or entity has an ownership interest and shall also include immediate family relations for example parent, spouse, and child;
- (ii) In order to avoid placing excessive demands on limited emergency service resources in the County,

no more than 20 vacation rentals shall be permitted at any time within the Mountain Zone;

- (iii) As a condition of obtaining an annual Special Use Permit for a vacation rental and in addition to all other information required by this Land Use Code, the applicant shall demonstrate the following items, take the following actions, and provide the following information and consents:
 - (a) adequate emergency communications and off street dedicated parking are available at all times to guests;
 - (b) the proposed rental is safely accessible year round not only to occupants but to emergency services as well;
 - (c) the holder of the special use permit shall possess a current, valid sales tax license and collect sales and lodging taxes on all vacation rentals;
 - (d) the holder shall permit the County to inspect the premises being utilized for vacation rental to allow verification of holder's compliance with the provisions hereof; and
 - (e) the holder of the special use permit shall make available to the County access to records of all vacation rentals including registration information regarding guests and all financial records pertaining to the vacation rental for the purpose of allowing the County to verify the holder's compliance with these requirements.