



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

June 24, 2021

Justin Meyer
303-669-3787

VIA email: justin.rocketscience.cc

Re: Pre-application Conference Summary – Wetland Special Use Permit: Driveway and Single-family Residence for Site 66, Trout Lake

Dear Mr. Meyer,

I am writing this REVISED letter to replace the original July 12, 2018 letter, and as a follow up to our earlier conversation regarding a proposed driveway to a future Single-family residence on Site 66, Trout Lake Land Company. You plan to gain access to the site by utilizing a portion of the existing driveway to Site 65, Trout Lake and to construct a new driveway off that segment to your site. The purpose of this correspondence is to serve as a summary of a Pre-application Conference, in accordance with Section 4-207 of the San Miguel County Land Use Code, for a Wetlands Special Use Permit for proposed residential development within a wetland area and wetland buffer zone.

A Wetland Special Use Permit is required for any construction or development located within any wetland or wetland buffer zone as defined by the County Land Use Code. Such development may be reviewed by Administrative Review in accordance with Land Use Code Section 5--22.

You will need to submit the following items with your application:

1. Short narrative of the proposed project, including,
 - Best practices to be used for the protection of wetland areas (i.e. use of construction fencing to avoid wetland areas and buffer zones, and use of silt fencing to protect riparian areas from storm water runoff, etc.)
 - Explanation of construction and operational plans.
2. Site plan identifying the location of all proposed improvements, wetland areas, and 100' wetland buffer zone. The site plan shall indicate the distance of all improvements including the onsite wastewater treatment system (OWTS) from the wetland areas.
3. Detailed revegetation plan with a native seed mixture and plantings proposed for the revegetation of the disturbed areas.
4. Weed control plan for the control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all soils disturbed in conjunction with this project.
5. Provide a copy of the U.S. Army Corps of Engineers Permit. Applicant must submit and obtain a U.S. Army Corps of Engineers Permit authorizing the proposed crossing of wetlands identified on the site. This permit should identify that the development in a

wetland area is unavoidable, detail the mitigation of the impacted wetlands (replanting willows and other vegetation, re-grading enhancements, etc.).

6. Provide written documentation of the approvals from Trout Lake Land Company as part of application. Trout Lake Land Company will need to approve the overall plan to include proposed development in wetland areas and mitigation of those impacts, driveway location and plan to access site, and building circle re-location for Site 66.
7. Provide written documentation of authorization from the owner(s) of Site 65, Trout Lake to use the identified portion of the driveway to Site 65 for access to Site 66.
8. A Development Permit application should be submitted at the time of the Wetland Special Use Permit application. A statement must be included on the engineered driveway plans that states "The driveway plan and profile shown on this sheet meets all San Miguel County Land Use Code Section 5-502 DD. Driveways Standards."
9. The driveway plans must also be signed off by Scott Heidergott, Fire Marshal, Telluride Fire Protection District.

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All development applications shall include, at minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

REVIEW STANDARDS FOR WETLAND SPECIAL USE PERMITS

Land Use Code Section 5-2203 establishes the standards for the Planning Department to use in reviewing applications for wetland area special use permits, which the applicant must address in the Standards Report required by Section 4-206:

5-2203 Development in Wetland Areas

5-2201 A. Purpose

This Section 5-22 is established to regulate development in wetland areas of San Miguel County to protect wetland areas and to protect the health, safety and welfare of the inhabitants of the County. These regulations seek maximum protection of wetland areas and all waters of San Miguel County by avoiding development activity whenever possible, minimizing unavoidable adverse development activity and mitigating the impacts of development on wetland areas.

5-2201 B. Applicability

This Section 5-22 applies to all wetland areas and wetland area buffer zones, and to all waters of San Miguel County. This Section does not repeal, abrogate, or impair any existing federal, state, and/or local laws, easements, covenants, or deed restrictions. However, where this Section imposes more restrictive regulations than those otherwise imposed, the provisions of this Section shall prevail. The provisions of this Section do not apply to normal and customary agricultural and ranching activities, including sale, transfer or conveyance of irrigation water.

5-2201 C. Definitions

- I. "Buffer Zone" shall mean all areas where development could impact wetland areas, extending at least 100 feet around wetland areas.
- II. "Mitigation plan" means a plan approved by San Miguel County describing the restoration of wetland areas destroyed or otherwise negatively impacted by an activity.
- III. "Restoration" means a human activity that returns wetland areas from a disturbed or altered condition with lesser wetland area acreage and/or functional values to a previous condition with greater wetland area acreage and/or functional values.
- IV. "Waters of San Miguel County" means all waters, including without limitation, lakes, rivers, streams (including intermittent streams), natural sloughs, wet meadows, natural ponds, impoundments and tributaries. Waste treatment systems presently in use, including treatment ponds and lagoons designed to meet the requirements of the Clean Water Act (33 U.S.C. § 1341), treated water distribution and storage facilities or treated water that otherwise meets the criteria of this definition, and water used for irrigation purposes are not waters of San Miguel County.
- V. "Wetland" means an area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that

under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetland areas include all waters of San Miguel County, all riparian areas in the County, and are presumed to include all areas identified in "An Ecological Characterization and Functional Evaluation of Wetlands in the Telluride Region of Colorado" (a 1990 report completed for the U.S. Environmental Protection Agency by David J. Cooper), including any amendments thereto, and any wetland areas in the County identified on wetland area maps filed in the County Planning Department.

- IV. "Water Dependent" means associated with activities that require Access, proximity to or siting within the special aquatics Site to fulfill their basic purpose (such as a marina, boat dock or boat launch).

5-2203 Development in Wetland Areas

5-2203 A. Administrative Review

No Development activity shall be allowed within any Wetland or Buffer Zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

A Wetland Special Use Permit may be issued in accordance with the Administrative Review Process described in Section 3-4 of this Code when the applicant demonstrates to the County's satisfaction that the proposed Wetlands Development satisfies at least one of the following standards/criteria:

- III. The proposed Development is associated with residential Development (construction of Access, utilities and/or a home or homes.)

5-2203 C. Issuance of Wetland Special Use Permits

A Wetland Special Use Permit may be issued only if the applicant has shown at least one of the following:

- I. The proposed activity is water-dependent;
- II. The proposed activity is necessary to achieve access to property, and no other access route avoiding wetland and buffer zone areas is technically feasible;
- III. Denial of the permit sought would result in denying the landowner all practical, reasonable and/or economically viable use of the subject property;
- IV. The proposed activity meets the definition of Essential Services in Article 6 of this Code and could not reasonably be located elsewhere; and
- V. In the case of development proposed solely in a buffer zone, the proposed land use would not adversely affect the adjacent wetland area.

5-2203 D. Criteria for Review of Wetland Special Use Permits

In reviewing applications for Wetland Special Use Permits, the Board of Commissioners shall apply the following criteria:

- I. Avoidance -- Development activity within a designated wetland area should be avoided whenever possible; and
- II. Minimization of Impacts -- The impacts of unavoidable development activity should be minimized by including appropriate project design modifications, control techniques or other conditions deemed appropriate by the County.

5-2203 E. Impact Mitigation for Wetland Uses and Activities

As a condition of Wetland Special Use Permit approval, or in the event of a violation of any terms in this Section 5-22, the Board of County Commissioners may require a mitigation plan. The plan shall require the applicant or developer to engage in the restoration of wetland areas in order to offset, in whole or in part, the wetland losses resulting from an applicant's proposed or violator's historic actions. Approval of such plan by the Board of Commissioners shall not constitute an alternative to compliance with the standards set forth in this Section 5-22.

5-2203 F. Submission Requirements

An applicant for a wetland special use permit must submit an application in accordance with Section 4-2 of the Code. In addition, an applicant must submit evidence of compliance with the standards described in Sections 5-2203 B. and C., and the Board of County Commissioners may require additional information as appropriate.

Scheduling of Application Consideration

Please submit one (1) paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application(s) that conforms to all applicable Land Use Code requirements. Paper maps shall be at last 11" x 17". The Planning Director in consultation with County staff will consider approval of a complete application. **Payment of \$275** to San Miguel County must accompany the wetland application for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). A separate Development Permit application shall be submitted for the development proposed on the site. **Payment of \$100** to San Miguel County must accompany the development permit application. This pre-application letter is valid for one year from date of letter.

Please contact the Planning Department if you have any further questions. Thank you.

Sincerely,



John Huebner
Senior Planner