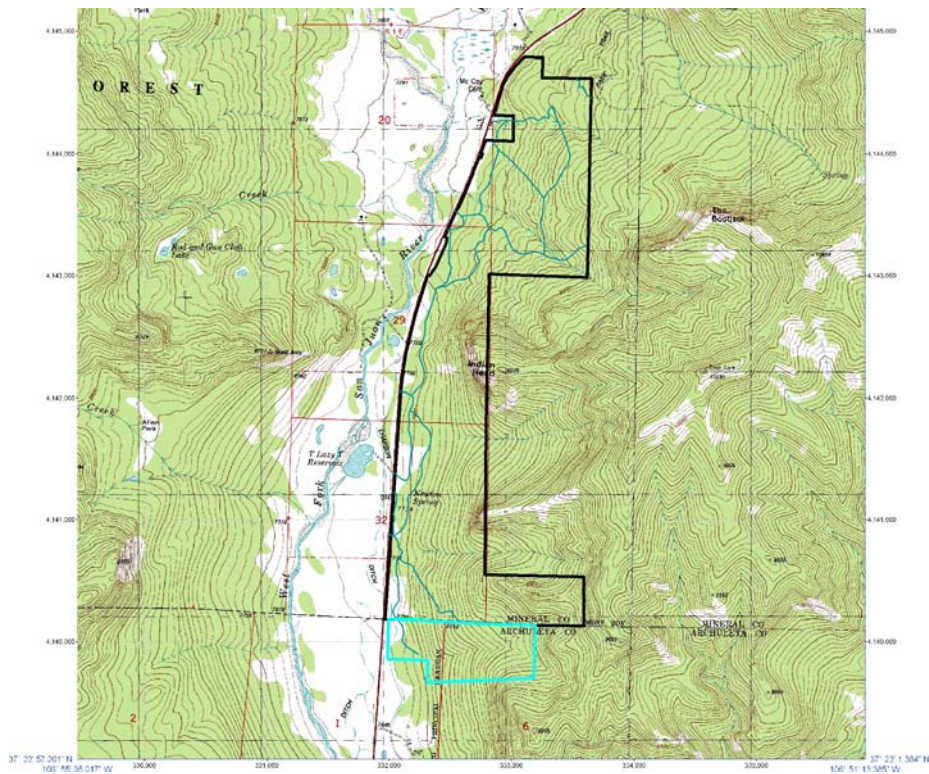


# River Protection Workgroup San Juan River – East Fork and West Fork Issue Paper

## Conservation Easements:

The conservation easement held by Colorado Open Lands on the Bootjack Ranch is attached. The easement covers that land marked in light blue on the map below:



The easement is very restrictive, allowing only two homesites and agricultural uses. No gravel mining or other mining uses are allowed.

## Gravel/Minerals Map:

The Forest Service is preparing a map that they hope to bring to the meeting. They provided the following information regarding gravel mining on forest lands:

In regards to gravel permitting on NFS lands, there are basically two different scenarios: a private entity requesting to mine gravel on NFS lands and the Forest Service mining gravel for our own purposes. If a private entity wanted to mine gravel, they would submit an application to us. We would decide if we were going to process the application or not. Generally we wouldn't, because we have enough demands for gravel for FS purposes, that we generally don't sell it to private entities. If we did decide to move forward with the application, an environmental analysis would be conducted, perhaps at the applicant's

expense. This would involve public input and input from all resource areas (wildlife, cultural, vegetation, hydrology, etc.). The line officer (most likely the District Ranger) would then decide whether to approve the project, approve the project with modifications and mitigation measures, or deny the project. If the project is approved, then implementation of the project could proceed once the appeal period is over.

If the FS decided to mine gravel in an area that is not already an established gravel pit, the same environmental analysis, decision making, and implementation process as described above would be conducted.

In either case, any permits required by the state or Army Corps of Engineers would also have to be obtained if necessary.

## **Zoning:**

The study area includes private land in both Mineral and Archuleta Counties. Both Counties are zoned.

### **Archuleta County Zoning:**

Archuleta County zones both public and private land. All public land within the study area is zoned Agriculture Forestry (AF) and all private land in the study area is zoned Agriculture Ranching (AR). The intent of the AF district is to provide for permitted regulation of land uses on federal, state, BIA and other public lands. Land use in the AF district is encouraged to conserve forest resources, protect the natural environment, and preserve uninhabited areas.

Mineral County zones only the private land. Most of the private land in the west fork study area is zoned "Rural" while most of the land in the east fork study area is zoned "Residential Recreation." The opinion of the County Planner, Les Cahill, is that the east fork area is not suitable for much development without significant improvements to the existing road.

All four zones in both Counties are relatively similar. They all allow division of the parcels into 35 acre lots per State Statute. All the private land could therefore be divided into 35 acre tracts with one home per tract. In addition, agricultural and forestry type land uses would be allowed. Gravel pits and/or mineral extraction activities are allowed with approval of a Conditional Use Permit. Conditional Use Permits generally consider that a use is appropriate in a district after a public hearing and with mitigation of impacts.

Archuleta County also allows a number of other land uses in the AR zone by right or by condition use (see attached zoning matrix).

### **Zoning District Feasibility:**

There are a number of different approaches that might be used to provide local protection for the land. Counties have broad authority to zone and regulate private land as they deem appropriate. Both Counties currently have adopted fairly restrictive zoning for the affected lands. Individually or jointly through an Intergovernmental Agreement (IGA) the Counties could adopt additional overlay zones if deemed appropriate.

Regulating Federal land at the local level is more difficult and will not likely be successful without the voluntary cooperation of the Forest Service. Although many communities including Archuleta County have chosen to apply their zoning powers to public land, few if any have been successful in asserting their authority over federal land decisions.

The Boulder County Attorney offers the following advice for public lands:

“For these public lands, an IGA is likely the better approach, where of course the parties would be governments, not private landowners. Believe this would be an IGA under CRS 29-1-203 (the general IGA enabling act, contemplating all levels of government), not 29-20-105 (the land use IGA enabling act, for inter-local- government agreements only). Note that CRS 29-1-203 limits IGA authority to “provid[ing] any function, service, or facility lawfully authorized to each of the cooperating or contracting units,” unless other provisions of law provide requirements for special types of intergovernmental contracting or cooperation, in which case those special provisions control.

If you decide a CRS 29-1-203 IGA won't work, perhaps an MOU with the state and the feds would.” (Ben Doyle via email 10/20/2010)

**3.1.3 Zoning District Uses:**

Table 3 identifies Uses-By-Right and Conditional Uses that may be permitted in each of the zoning districts listed in Section 3.12. Any use not listed shall be considered a prohibited use.

**TABLE 3: USES BY ZONING DISTRICT**

- R – Use by Right
- C – Conditional Use

Note: Any unlisted use is prohibited. The Director of County Development is authorized to interpret the meaning and scope of the uses listed herein. The Director of County Development’s interpretation may be appealed to the Board of County Commissioners.

USE	AF	AR	AE	RR	R	MH	C	I
<b>AGRICULTURAL</b>								
Agricultural Uses	R	R	C					
Commercial Stables or Horse Boarding		R	C					
Farm/Ranch Stand		R	C					
Greenhouse or Plant Nursery		R	C					
Log and Soil Storage	R	R						
Forestry Operation	R	R	R					
Tree Farms	R	R	R					
<b>RESIDENTIAL</b>								
Dwelling, Multi-family					C		C	
Dwelling, Single-family Attached				C	R			
Dwelling, Single-family Detached		R	R	R	R			
Family Child Care Home		R	R	R	R	R		
Group Home		R	R	R	R			
Home Occupations (*See Section 5.5.5)		R*	R*	R*	R*	R*		
Manufactured Home		R	R	R	R	R		
Mobile Home		C	C	C	C	R		
Mobile Home Park (*See Section 5.5.8)						R*		
Mobile Home Subdivision		C				R		
Recreational Vehicle Park (*See Section 5.5.9)						R*		
RV Subdivision						R		
<b>COMMERCIAL</b>								
Adult-Oriented Use							C	
Animal Shelter	C	C	C				C	
Bar or Tavern					C		C	
Bed and Breakfast		C	C	C	C		C	
Car Wash							R	
Child Care Center					C		R	
Clubs and Lodges							R	
Drive-in Use							C	

SECTION 3 – ZONING REGULATIONS  
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USE	AF	AR	AE	RR	R	MH	C	I
Entertainment Facilities and Theaters							R	
Equipment Rental and Sales							C	R
Financial Institution							R	
Firewood Related Wood Product Sales	R	R					R	
Gasoline Station					C		R	
Grocery Store, Large							C	
Grocery Store, Small					C		R	
Health and Athletic Club							R	
Lodging Establishment							R	
Medical and Dental Offices and Clinics							R	
Mortuary and Funeral Home							R	
Neighborhood Commercial Center					C			
Office, General							C	R
Office, Professional							R	C
Personal and Business Service Shops					C		R	
Printing and Publishing							C	P
Rental Cabins (3 or fewer)	R	R	C					
Restaurant					C		R	
Retail, Convenience Store					C		R	
Retail Establishment, Large							C	
Retail Use (5,000 S.F. to 25,000 S.F)							R	
Shopping Center							C	
Vehicle Minor Repair, Servicing and Maintenance							R	
Veterinary Facilities, Small Animal Clinic		R	C				R	
Veterinary Hospital		C	C				R	
<b>INDUSTRIAL</b>								
Asphalt Batch Plants								C
Building Contractors and Equipment		C					C	R
Concrete or Cement Plants								C
Industrial, Heavy								C
Industrial, Light								R
Junk Yard (*See Section 5.5.7)								C*
Logging Operation	C	C						
Oil and Gas Operation	C	C						C
Recycling Facility							C	R
Resource Extraction, Processes and Sales	C	C						C
Sawmill	C	R						R
Truck Stop								C
Vehicle Major Repair, Servicing and Maintenance							C	R
Warehouse, Mini-storage							C	R

## SECTION 3 – ZONING REGULATIONS

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USE	AF	AR	AE	RR	R	MH	C	I
Warehouse and Distribution								R
Workshop and Custom Small Industry		R	C				C	R
<b>RECREATIONAL</b>								
Dude Ranch or Wilderness Lodging (*See Section 5.5.4)	C*	C*						
Golf Courses and Driving Ranges		C	C	C				
Limited Indoor Recreation Facility							R	
Limited Outdoor Recreation Facility		C					C	
Outdoor Shooting Range		C						
Parks, Greenbelts and Passive Recreation Areas	R	R	R	R	R	R	R	R
Race track		C						
<b>OTHER</b>								
Accessory Uses and Structures (*See Sections 3.2.4 and 3.2.5)	R*	R*	R*	R*	R*	R*	R*	R*
Airport, Airstrip, Helipad (*See Section 3.1.5.1)	C*	C*	C*	C*				C*
Cemetery	R	R	C	C				
Churches and Religious Institutions	C	R	R	R	C	C	R	R
Building- or structure-mounted CMRS Facilities (*See Section 5.5.3)	R*	R*	R*	R*	R*	R*	R*	R*
Roof-mounted and freestanding CMRS Facilities (*See Section 5.5.3)	C*	C*	C*	C*	C*	C*	C*	C*
Electric Power Generation Facilities	C	C	C	C	C	C	C	C
Electric Power Transmission Lines	C	C	C	C	C	C	C	C
Major Extensions of Existing Sewage Systems	C	C	C	C	C	C	C	C
Major Extensions of Existing Water Systems	C	C	C	C	C	C	C	C
Major New Sewage Systems	C	C	C	C	C	C	C	C
Major New Water Systems	C	C	C	C	C	C	C	C
Meeting Place and Place for Public Assembly	C	R	R	R	C	C	R	R
Mixed-Use Development					C		C	C
Natural Gas Transmission Pipelines	C	C	C	C	C	C	C	C
Outdoor Storage		C					C	R
Parking Lot							C	R
Private School		C	C	C	C	C	C	C
Public School	C	C	C	C	C	C	C	C
Public Use	C	C	C	C	C	C	C	C

USE	AF	AR	AE	RR	R	MH	C	I
Public Utility	C	C	C	C	C	C	C	C
Sanitary Landfills and Solid Waste Transfer Stations	C	C	C	C	C	C	C	C
Temporary Uses (*See Section 3.2.3)	R*	R*	R *	R*	R*	R*	R *	R*
Transportation Services and Facilities	C	C	C	C	C	C	C	C
Utility Substations	C	C	C	C	C	C	C	C
Water Impoundments	R	R	C	C	C	C	C	C
Water Storage Facilities	C	C	C	C	C	C	C	C

### 3.1.4 Zoning District Standards

Table 4 lists the height, setback and other zone district standards for each of the zone districts listed in Section 3.12.

**TABLE 4: ZONE DISTRICT STANDARDS**

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres	8,000 ft <sup>2</sup>	2,500ft <sup>2</sup>	10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	75 feet	25 feet	20 feet	15 feet	10 feet	25 feet	50 feet
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet
Minimum Corner Setback (street side )	150 feet	50 feet	50 feet	40 feet	25 feet	25 feet	25 feet	50 feet
Minimum Rear Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet
Maximum Height	40 feet	40 feet	35 feet	35 feet	35 feet	16 feet	40 feet	40 feet
Accessory Height	40 feet	40 feet	30 feet	30 feet	30 feet	16 feet	40 feet	40 feet
Maximum Density	n/a	1 DU/35 Ac.	1 DU/5 Ac.	1 DU/3 Ac.	5 DU/ Ac.	12 DU/Ac.	n/a	n/a
Minimum District Size	500 acres	100 acres	20 acres	12 acres	1 acre	5 acres	1 acre	1 acre

DU = Dwelling Unit  
Ac. = Acre