SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA
THURSDAY, JULY 13, 2023 – 9:00 AM

Online & 333 W. Colorado Ave, Telluride, Colorado

MEETING INFORMATION - This meeting will be held online and in person. To join the meeting: http://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

We kindly request that people attending meetings in person wear a mask.

1. 9:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

a. Approval of June 8, 2023 Minutes.
6.8 minutes DRAFT.docx

3. PUBLIC MEETING: LAND USE APPLICATION

a. Applicant: Town of Mountain Village
Location: Parcel 1, Alexander Ilium Property, Ilium Valley
Parcel size: 56 acres
Zone District: Forestry, Agriculture and Open (F)
Proposal: Request to Rezone property from Forestry, Agriculture and Open (F) to Community Housing (CH)
CPC Packet Materials Alexander Parcel Rezone 071323.pdf

4. PUBLIC MEETING: LAND USE APPLICATION

a. Applicant: Thor Energy PLC
Location: "Groundhog" and "Section 23" areas on Bureau of Land Management (BLM) public lands located off U29W in northwest San Miguel County, 28 miles SW of Naturita, CO
Parcel size: 1.64 acres of disturbed project area
Zone District: West End (WE)
Proposal: Wedding Bell Project Phase II - Conditional Uses on Federal Lands, Mining Special Use Permit - exploratory drilling for mineral exploration / MOTION
CPC Packet Materials -Thor Energy PLC Wedding Bell PhII Project Mineral Exploration 7.13.23.pdf

5. EAST END MASTER PLAN DISCUSSION:

6. TRAINING

a. Overview and discussion of the Code of Ethics for Board members

Code_of_Ethics_2023.docx

7. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated posting place for all meeting notices will be online at https://www.sanmiguelcountyco.gov/liveagenda. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.

AGENDA ITEM 2.a

TITLE:
Approval of June 8, 2023 Minutes.

Presented by:
Time needed:

PREPARED BY:
Nicola Kerr, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
6.8 minutes DRAFT.docx

Description:

SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING

June 8, 2023

Online and In Person Meeting

Present:	Lee Taylor, Chair Josselin Lifton-Zoline, Vice-Chair Matthew Bayma, Member Tobin Brown, Sr. Alternate M.J. Schillaci, Secretary Galena Gleason, Alternate
Absent:	Ian Bald, Member
Planning Staff Present:	Kaye Simonson, Planning Director John Huebner, Senior Planner Nicola Kerr, Planning Technician
County Staff Present:	Carmen Warfield, Clerk to the Board Rachel Allen, Assistant County Attorney

9:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by Josselin Lifton-Zoline to approve the May 11, 2023 minutes. Seconded by Tobin Brown.

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Tobin Brown	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission:
The county selected a Natural Resources Consultant for the upcoming Land Use Code update.
In May the BOCC adopted a 6 month moratorium on Large Scale Solar Developments.
The County is launching a new permitting software SmartGov Tuesday, June 20.

9:05 A.M. EAST END MASTERPLAN

Jessica Garrow, Long Term Planning Consultant from Design Workshop, presented our current planning goals including Finalizing the Plan Vision, Amending our Draft Future Land Use Map, and Receiving Feedback on the Action Matrix.
Callie New, Long Term Planning Consultant from Design Workshop, presented findings from our Community Engagement workshop.
Open discussion providing feedback on the themes of the Action Matrix.
Open discussion about the sufficiency of language surrounding our climate change goals.
Open discussion surrounding water conservation goals and intricacies of determining carrying capacities.

Meeting went into Recess (Activated at 10:30 am)
Meeting Reconvened (Activated at 10:35 am)

Open discussion about Future Land Use and Zoning Map.
The Design Workshop Team asked for remaining comments about the action matrix to be submitted before Friday June 16th.

PUBLIC COMMENT

Pete Johnson made a statement supporting the use of National Forest land to solve development restraints that face the county.
Connie Von Hagen made a statement about her property being incorrectly zoned on the future land use map draft.
Nick Farkouh commented that determining carrying capacity is important and needs to be investigated further.

12 p.m. Adjourned.

Respectfully Submitted,

_____
Nicola Kerr, Planning Technician

Approved on _____, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION

_____
M.J. Schillaci, Secretary
:\PC Planning Commission\PC Minutes\2023\pc.5.23.minutes.docx]

DRAFT

AGENDA ITEM 3.a

TITLE:
Applicant: Town of Mountain Village
Location: Parcel 1, Alexander Ilium Property, Ilium Valley
Parcel size: 56 acres
Zone District: Forestry, Agriculture and Open (F)
Proposal: Request to Rezone property from Forestry, Agriculture and Open (F) to Community Housing (CH)

Presented by:
Time needed:

PREPARED BY:
John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Packet Materials Alexander Parcel Rezone 071323.pdf

Description:

PUBLIC MEETING RECORD
County Planning Commission
Application: Town of Mountain Village
Rezone Application for the Alexander Property, Ilium Valley from Forestry/ Agriculture to Community Housing
Date: July 13, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).

2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).

3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 13, 2023.

4. Draft Planning Commission Resolution #2023-06.

5. Application and Supplements submitted by Michelle Haynes, Town of Mountain Village, dated May 22, 2023.

6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 22, 2023.

7. Applicant's Certifications of Compliance with the mineral noticing requirements of the C.R.S section 24-65.5-103(1) dated June 22, 2023.

8. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on June 6, 2023.

AGENCY COMMENTS

9. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June 9, 2023.

10. Email from Scott Heidergott, Telluride Fire Department, to John Huebner, Senior Planner, dated June 16, 2023.

11. Email from David Foley, San Miguel County Surveyor, to John Huebner, Senior Planner, dated June 28, 2023.

12. Email from Kevin Chaney, Public Health, to John Huebner, Senior Planner, dated June 12, 2023.

13. Email from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 12, 2023.

14. Email from Daniel Roussin, Colorado Division of Transportation, to John Huebner, Senior Planner, dated June 14, 2023.

15. Letter from Ron Quarles, Town of Telluride Planning and Building Director, to John Huebner, Senior Planner dated Juned 28, 2023.

PUBLIC COMMENTS

16. Letter from Kara Bagnall, Two Rivers resident, to John Huebner, Senior Planner, dated June 23, 2023.

17. Letter from Rae Centanni Shaffner, Two Rivers resident, to Michelle Haynes, Town of Mountain Village dated June 29, 2023.

18. Email from Scott Harris, Two Rivers resident, to John Huebner, Senior Planner dated June 30, 2023.

19. Email from Robert Szigeti to John Huebner, Senior Planner dated June 30, 2023.

20. Email from Steve Togni, Telluride Mountain Lodge, to SMC Planning Department dated July 6, 2023.

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Town of Mountain Village: Request to Rezone Parcel 1, Alexander Property, Ilium Valley, from Forestry, Agriculture and Open (F) to Community Housing (CH)
DATE: July 13, 2023

Background

The Town of Mountain Village is currently under contract to purchase a 56.343-acre parcel from the Alexander Family located in Ilium Valley. The intent is to rezone the property to Community Housing (CH), for the purpose of developing affordable housing in the future. A development plan has not been prepared. The rezone application is purposefully at a big-picture level. Should the property be rezoned and the purchase completed, the Town would then move forward with development plans, at which time specific details regarding density, site design, and services would be addressed.

Alexander Property

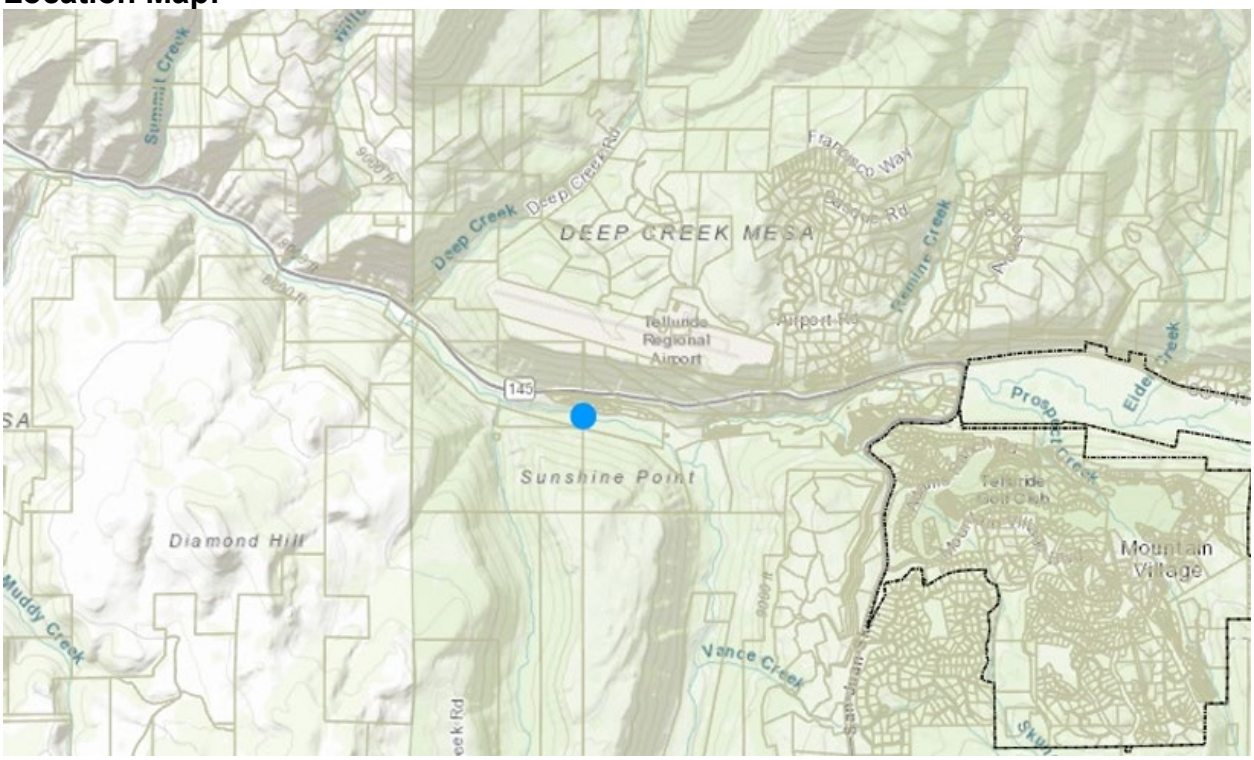
The subject property is located in Ilium Valley, San Miguel County, Colorado approximately 1.2 miles west of the Town of Mountain Village.

The proposed rezone is for Parcel 1, Subdivision Exemption Alexander Ilium Property Plat for Lot Line Adjustment portions of the San Miguel Placer (MS 262), Pekin Placer (MS 2230, Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM ("Alexander Ilium Property").

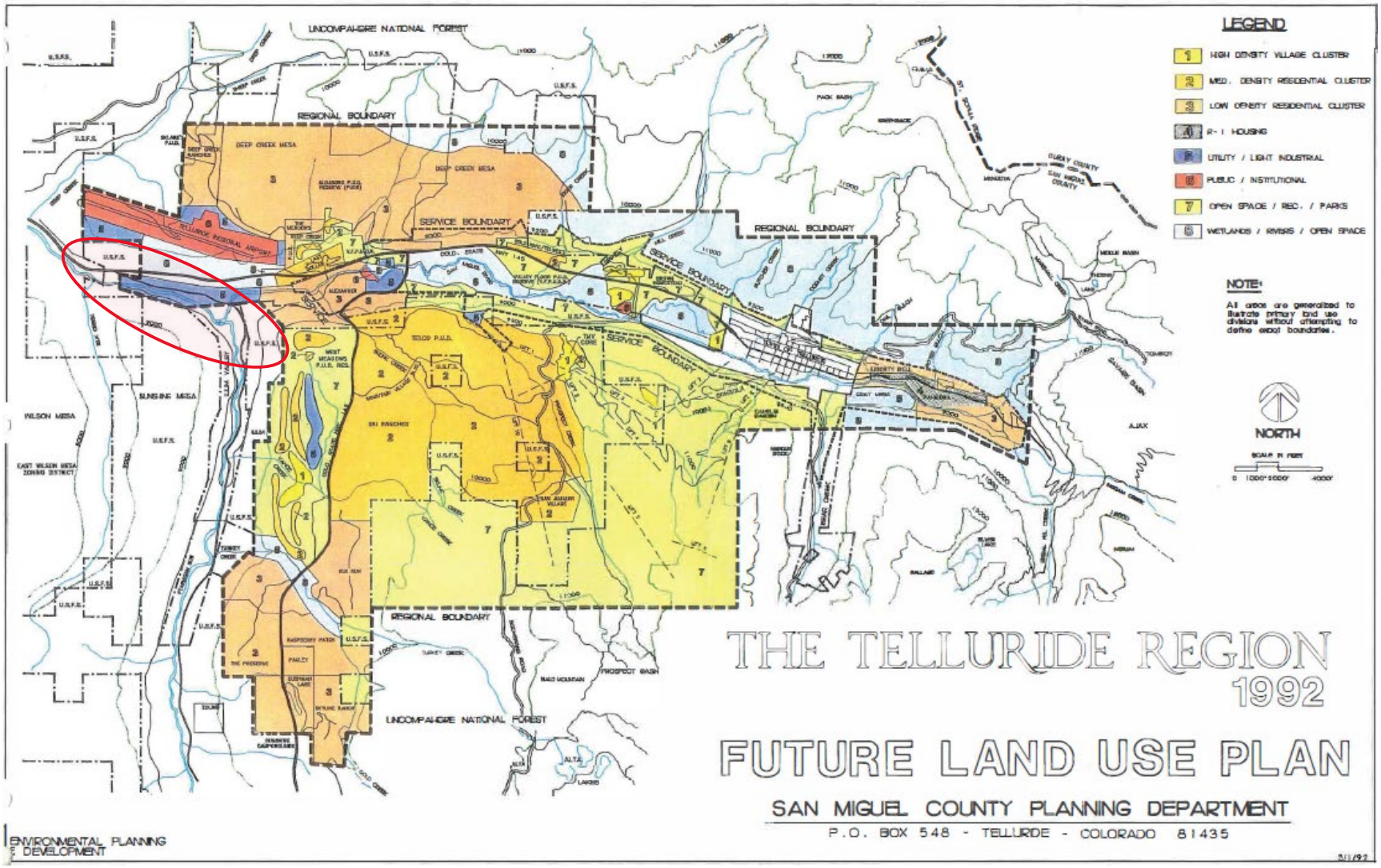
A subdivision exemption for lot line adjustment plat was conditionally approved by the Board of County Commissioners on April 19, 2023. The plat was recorded at the San Miguel County Clerk and Recorder's Office on June 28, 2023. The Subdivision Exemption process replatted existing parcels so uses and ownership were each located on their respective parcels.

This forested parcel is divided by the San Miguel River. It is bounded to the south and west by forested parcels owned by a private land owner and the US Forest Service. The south portion of the property contains a portion of the historic Rio Grande Southern railroad right-of-way that contains an existing recreational trail. The northern portion of the property abuts County Road 63L (Ilium Road). The Ilium Industrial Park is located across Ilium Road and the Telluride Gravel operation is located along the northeastern border of the property. Unplatted land owned by the Alexanders is located to the west.

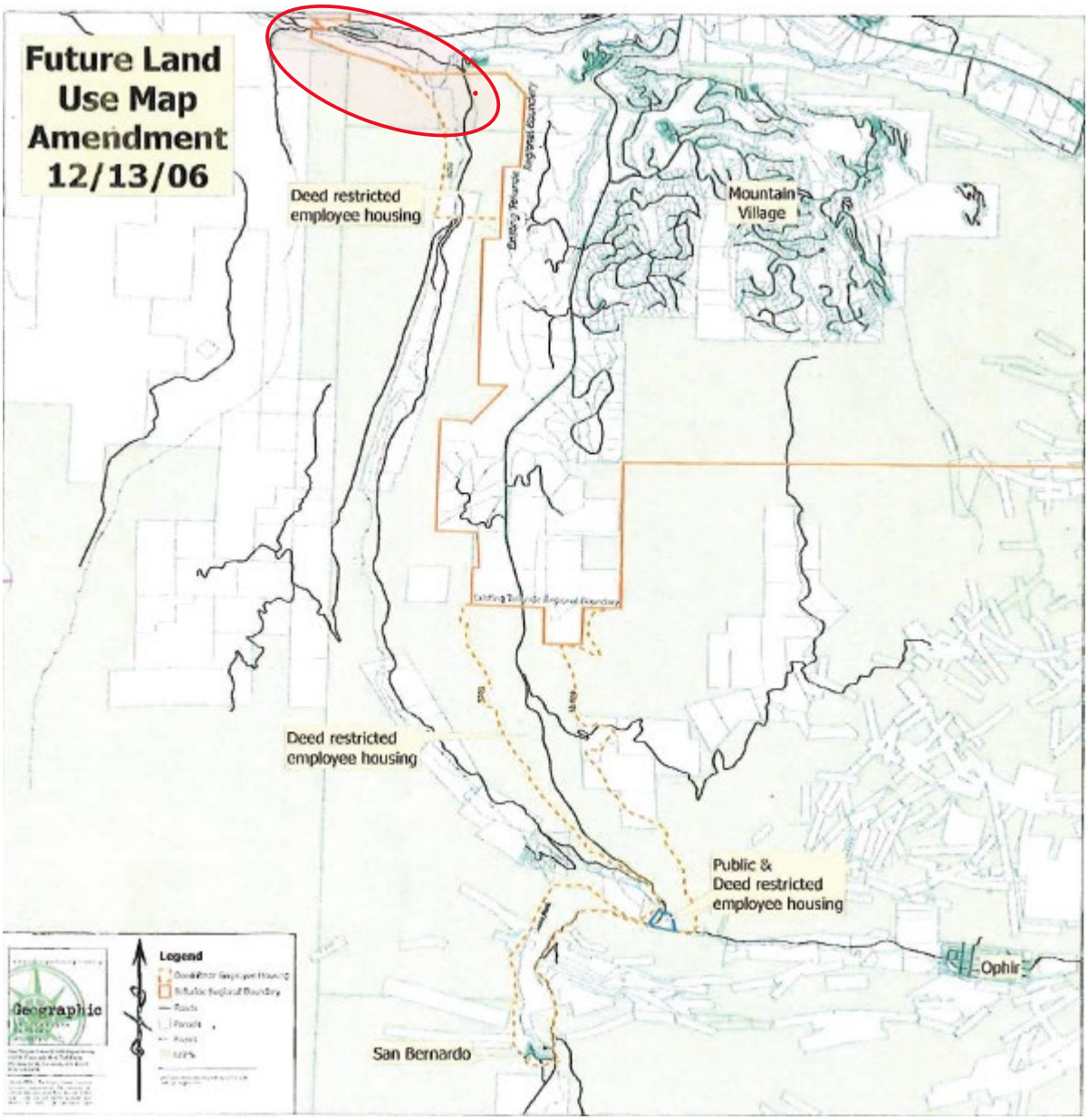
Location Map:



Aerial Photo (note: GIS mapping has not been updated to reflect current prop. Lines)

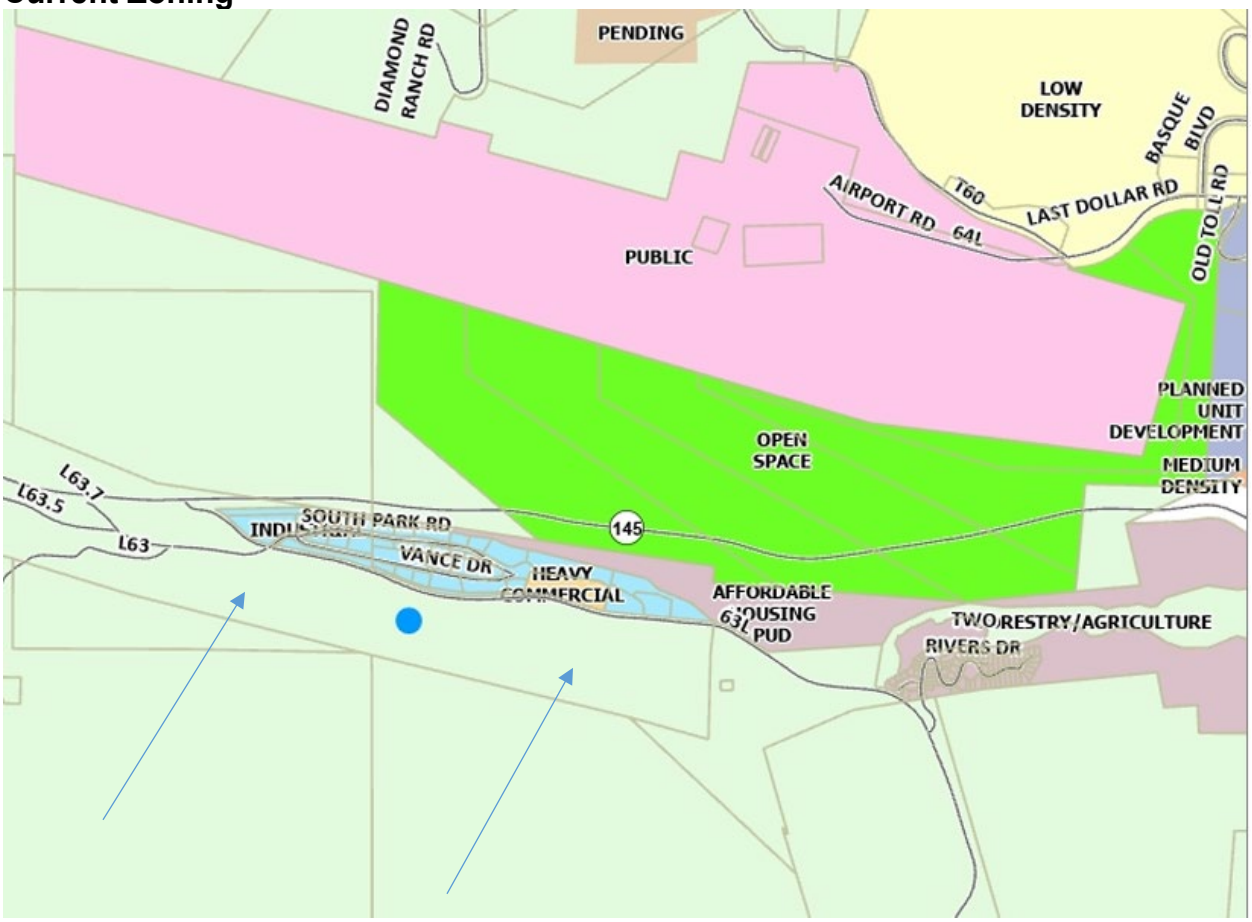


Subject Property located within the red elliptical shape



Subject Property located within the red elliptical shape

Current Zoning



Proposed Rezone

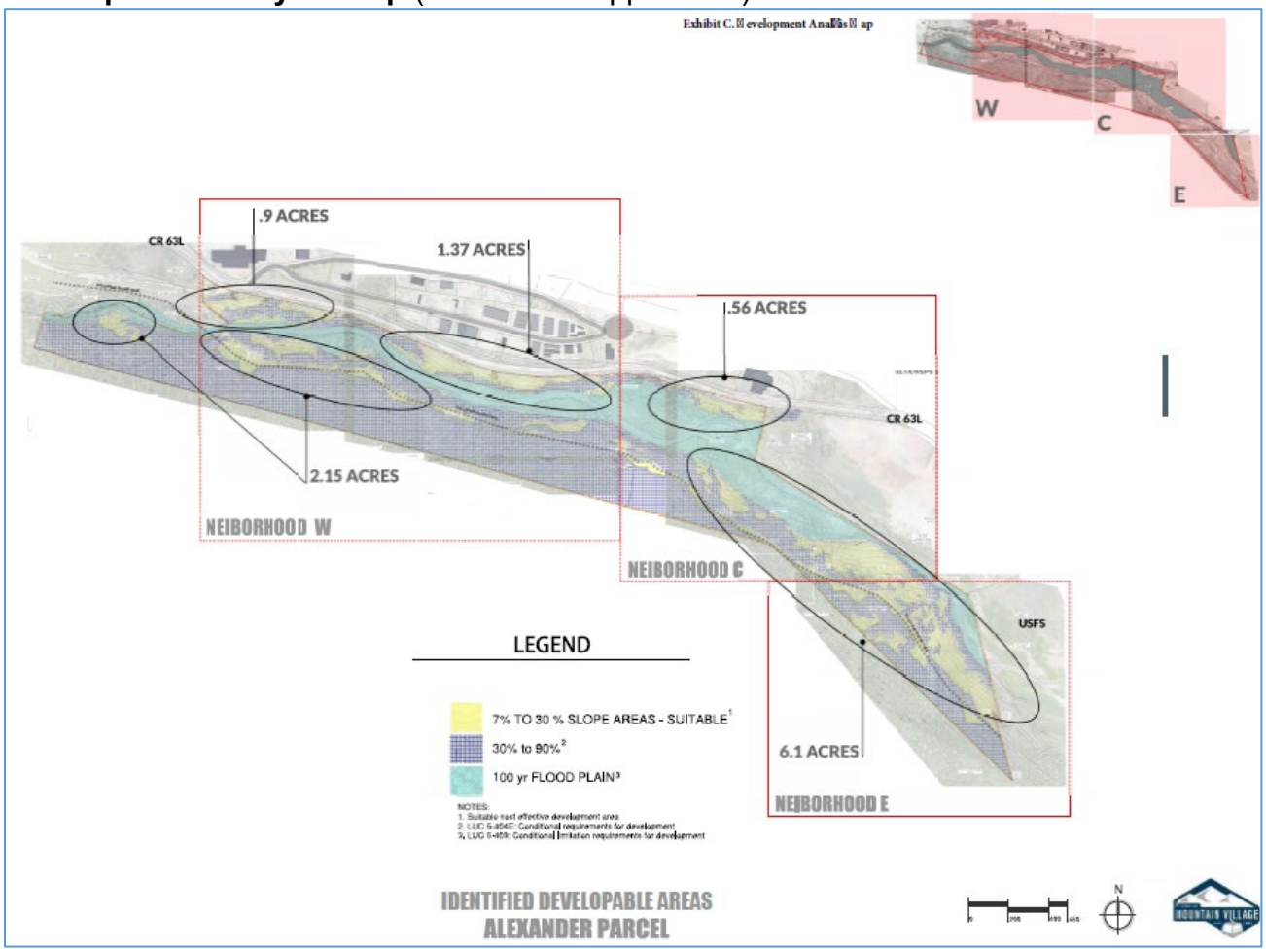
The subject of the proposed rezone application is Parcel 1, Alexander Ilium Property, containing about 56 acres. The property is currently zoned Forestry, Agriculture and Open (F). Parcels to the north in Ilium Industrial Park are zoned light Industrial (I) and Heavy Commercial (HC), while the other adjoining parcels are zoned F. Two Rivers development, further to the east, is zoned Affordable Housing PUD (AHPUD)

It is proposed to rezone Parcel 1, Alexander Property to Community Housing (CH), with Parcels 2 and 3 continuing to be zoned F. If approved, the BOCC resolution will include a legal description, describing the boundaries of the zone district, as shown on Subdivision Exemption Plat (Exhibit G of the Application). The proposed west line of the rezone area approximately follows the west boundary of the Telluride Regional Area Master Plan boundary, shown in yellow below.

Because the Town has not yet purchased the property, a property line adjustment application was submitted by the current owner to adjust existing property boundary lines to facilitate the creation and sale of the of the 56.343-acre parcel, which is shown on the plat as Parcel 1, to the Town of Mountain Village. Two additional parcels (Parcels 2 and Parcel 3) coincide with the existing gravel pit operations and offices. The remainder of the Alexander property, to the west, remains unplatted.

The following figure shows the anticipated development area, based on topography, floodplain and other site considerations. There is legal access from Ilium Road. It is expected that development would be clustered leaving an unspecified amount of area for open space, recreational trails, and other conservation uses. Water service and sewage treatment would come from sharing and improving existing treatment plants and systems of adjacent communities in Ilium Valley or from stand-alone facilities.

Development Analysis Map (Exhibit C of application)



A full traffic impact study, which would be required by CDOT and San Miguel County, would be provided with a development application for the property. It is stated in the letter of opinion provided that existing traffic generated warrants safety improvements at the intersection of Ilium Road and SH 145. The proposed development even at 100-400 units would incrementally impact the intersection and Ilium Road.

Attachment 8e of the application (pages 46-49) and Attachment 10, Existing Conditions/ Site Utilization map show existing conditions of the site, including steep slopes, floodways, geologic hazards, wildfire risk, wildlife habit, wetlands and riparian areas.

Public Noticing
As required by LUC Section 3-9, notice was mailed to all property owners within 500 feet of the subject parcels prior to June 22, 2023. No separate Mineral Estate Owner(s) of record were on the subject property. Notice of the public meeting was posted on the property on June 22, 2023. The posting of the required sign was photographically documented.

A public meeting notice was published in the Telluride Daily Planet and Norwood Post on June 28, 2023. The application has been available online since June 22, 2023.

Referral Agencies
The application for the proposed rezone was sent to the County Manager, County Attorney, County Building Official, County Road and Bridge Director, County Natural Resources Director, County Parks and Open Space Director, County Sheriff, County Public Health Specialist, County Surveyor, Colorado Parks and Wildlife, Colorado Division of Water Resources, Colorado Department of Transportation, San Miguel Authority for Regional Transportation, Telluride Fire Protection District, Telluride R-1 School District, Telluride Hospital District, Town of Telluride, Black Hills Energy, San Miguel Power Association, and US Forest Service for review and comment. In addition, notice was provided to the Ilium Property Owners Association. (Responses were received from the underlined entities.)

County Public Health Specialist, County Surveyor, and Town of Telluride: No comments

Telluride Fire Protection District: Approval from TFPD noted.

Colorado Division of Water Resources: If wells or undecreed surface water are to be utilized during development phase then the appropriate permits and adjudications are necessary. A Court approved Augmentation plan would also be required for well usage.

Colorado Department of Transportation: No comments on rezoning. A land-use application will require a Traffic Impact Study. The safety improvements, identified by a future study will be completed with the additional new development.

Public Comments
Prior to issuance of the packet for the Planning Commission meeting, 5 written comments have been received.

Kara and Andy Bagnall, 751 Two Rivers Dr., stated concerns regarding the high density residential use proposed in this location and its impacts on environment, wildlife migration, water and waster water treatment, and traffic/road safety.

Rae Centanni Shaffner, 911 Two Rivers Dr., wrote concerning the outsized impact this building project will have upon the natural habitat, traffic safety and congestion, and the current residents living in the adjacent affordable housing neighborhood.

Steve Harris, 918 Two Rivers Dr., wrote in strong opposition to the rezoning of the property due to concerns with proposed development.

Robert Szigeti wrote that that a new location should be pursued for proposed housing project.

Steve Togni, Mountain Lodge, wrote in support of the proposed rezoning of the property.

Review Standards
Requests for rezoning shall be considered pursuant to Land Use Code Section 5-1803. *Staff analysis is in italics.*

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

The rezoning application was submitted by Town of Mountain Village (Applicant), regarding property owned by Alexander Family (Property Owner). Letters of agency are included in the application.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Meets any applicable Sections of the Land Use Code;

The application, as submitted, meets the requirements of LUC Sections 4-2 and 4-6. The process, as outlined in LUC Section and 3-202 and 3-602, is being followed, and public notice has been provided as required by LUC Section 3-9. LUC Section 5-324, Community Housing notes that lands zoned F may be considered for rezoning to CH where water can be developed. The Town of Mountain Village has indicated that they could develop a water supply on-site or develops cooperative water supply and treatment facilities with IPOA to serve the property with water. As required by the CH zone, the property is within the Telluride R-1 School District.

The application addresses portions of Section 5-4, Areas and Activities of Local and State Interest/"1041" Hazard Review. The standards of Section 5-4 are applied at the time of development, rather than at rezoning. However, certain standards should be considered with respect to feasibility of development. These are discussed in Attachment 8e of the Standards Report, and begin on p. 45 of the application. Areas and Activities that are discussed include floodplain hazards, geologic hazards, historic and archaeological resources, wildfire hazard, and wildlife habitat areas.

II. Is consistent with the San Miguel County Comprehensive Development Plan;

The San Miguel County Comprehensive Development Plan is the vision document for the community, providing a framework for the consideration of land use applications. The subject property proposed for rezoning is within the Telluride Region Area Master Plan (TRAMP) boundaries and a portion is within and adjacent to the 2006 Amended deed restricted employee housing overlay boundary. Goal D, Objective 7 of the TRAMP states, "Encourage residential developments that are intended to house persons (and their families) who live and earn their incomes primarily in the Telluride Region."

Section E of the TRAMP specifically addresses Affordable Housing, with a stated Goal to "Provide an adequate self-contained supply of affordable and community housing to the meet the needs of seasonal employees and permanent residents." Objectives that are particularly relevant to the proposed rezone include:

12. *Allow for the construction of residential development that will provide community, workforce and affordable housing where it is possible to provide adequate water and wastewater treatment; has access to traffic corridors; and is not located where hazards exist.*
13. *Work to develop housing for first responders, essential personnel, medical workers, teachers, and others who provide key services in the community.*
15. *Encourage the development of a variety of community, affordable and workforce housing types, including large- and small-scale housing projects, infill housing, and mixed use development.*

In TRAMP Section III. Future Land Use Element, Section J describes the "R-1 Housing Future Land Use Category," as follows:

> *The R-1 Housing Future Land Use Category is distinguished by its purpose, to provide affordable housing exclusively for persons and their families who are employed and earn their economic living in the local economy and in the R-1 School District. This designation is applied to lands currently providing housing which meets the intended purpose. In addition, any land in the Telluride Region, or any development outside of the area defined as the Telluride Region under which <u>all</u> increases in residential density are deed restricted by the R-1 housing Deed Restriction, may be eligible for treatment under the R-1 Housing Future Land Use District upon satisfactory demonstration of consistency with the intended purpose and adopted criteria. Principal uses may include clustered single-family, duplex-family and multi-family residential units, as well as more innovative types of residential development such as zero lot line houses, townhouses, patio homes and atrium homes. The density of residential development in the District may vary from one dwelling unit per two (2) acres to a maximum density of twenty (20) units per acre or more, depending upon an analysis of factors such as neighborhood compatibility, availability of urban services, road capacities, usable open space and consistency with the adopted goals and objectives of the Telluride Regional Area Master Plan. Higher density associated with community, affordable and workforce housing should not be the determining factor when making a finding of neighborhood compatibility.*

In 2006 the Telluride Region Area was extended as shown on the amended Future Land Use Map (Figure 44B) as follows:

b. *Expand the Telluride region to include additional lands, both public and private, that are south of and adjacent to or in proximity to the Ilium Valley portion of the Lawson Hill PUD.*

Properties considered for employee housing must be considered through a public AHPUD Zoning and PUD process in accordance with the County Land Use Code, or through any other community or affordable housing zone district or process as adopted by the Board of County Commissioners.

Ilium Valley, due to the available public transportation and existing deed restricted housing development, outside of the municipal boundaries of either town, is a close area and logical location for development. Additional deed restricted residential development on the subject property in the densities allowed is deemed suitable in this location.

III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

The surrounding area includes an employee housing deed-restricted development, developed light and heavy industrial businesses, County Sheriff's offices, and active sand and gravel operation. The Community Housing zone district allows for the construction of all types of housing, including single-family, two-family and multi-family, as well as certain associated and community uses. The zone district includes flexible development standards to facilitate design that will suit the site and surrounding area. As shown on the Development Analysis Map and described in the application, it is the intent to cluster development in a way that will suit the land.

The Community Housing zone district Purpose statement, LUC Section 5-324 A, emphasizes, "It is the position of the County that housing for people who live and work in the local communities is a high priority. When rezoning land to the CH zone district, the higher density that may be achieved in that zone shall not be considered incompatible with surround land uses, neighborhood characteristics or community character." It goes on to say, "Clustered development is encouraged to maintain open space, to be efficient in design and construction of infrastructure, and to mitigate impacts on adjacent properties."

IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

The application states that "a physical (wet) water supply could be developed on-site, either through wells or a surface water diversion and treatment. A reliable augmentation water supply was also identified to supply the proposed development under full build-out conditions." Wastewater service could be provided by an onsite package wastewater treatment system.

Referral agencies included SMART, Telluride Fire Protection District, Telluride R-1 School District, Telluride Hospital District and San Miguel County Sheriff's Office, none of whom provided comments indicating that they are not capable of serving future development. All agencies will be consulted throughout the development process.

V. Would not result in significant adverse impacts on the natural environment;

The Telluride region includes range for a number of wildlife species, including elk, deer, bear, etc. There are also geotechnical considerations, vegetation, and other components. With almost any development, the natural environment must be taken into consideration and mitigation measures included in the design. Numerous developments have been constructed in the Telluride region, including some in close proximity to the subject property. All developments have been required to mitigate impacts on the environment, and the development plan for this property will be expected to include appropriate and necessary measures. As shown on the Development Analysis Map on page 4, above, the intent is to cluster development in areas that avoid steep slopes, floodplain, riparian areas, wildlife habitat and leave a significant part of the property open. Of the 56 acres only roughly 10-11 acres are developable. This indicates the feasibility of mitigating impacts on the environment.

Carbon emissions contribute to climate change, which impacts the local natural environment. It is hoped that by increasing the supply of housing for local workers, commuter trips will be reduced, thereby reducing carbon emissions. Development in the CH zone is also encouraged to use renewable and alternative energy sources.

VI. Would not be in conflict with the public interest; and

It is in the public interest to increase the supply of housing for people who live and work in the community. The 2018 Housing Needs Assessment (included by reference in the application) indicated that 441 units were needed at that time to catch up and meet the existing deficit, and an additional 325 housing units would be needed by 2026 to meet employment and population growth, for a total of 760 units. While development on this site would not fully meet the housing needs of the community, it would be a significant step forward, creating housing on a scale not seen since Lawson Hill was developed in the early 1990s.

The 2019 report, The Impacts of Workforce Housing on the Telluride Area Economy and Community, prepared by the Trust for Community Housing, related how deed restricted housing for essential workers, emergency service workers and those who support the local economy is necessary for the well-being of the community. Having workers close to their jobs is critical for maintaining the economy and the community. As has been seen in the past few years, the lack of employees has impacted business operations. Many employers have related how the lack of housing has limited their ability to hire staff. Some employers have begun purchasing housing specifically for their staff.

According to the draft "Affordable Housing Fee Methodology Report," a 4-person household earning 100% of the Area Median Income ($85,200 in 2020), could afford a home priced at $334,000, yet the market price for a duplex or multi-family unit in the Telluride Region was $843,927. At present, there are just a handful of properties for sale under $850,000, all studio and one-bedroom units, and nothing that would be affordable to anyone earning an average income. In the Norwood area, there are just a few houses on the market that could be considered affordable.

While housing has been or is being constructed (e.g. Silver Jack, Longwill, Sunnyside, Voodo Lounge, TSG Q Lots), the need has only increased in the past few years, as houses that were traditionally rentals were sold or owners who could work remotely decided to occupy them.

Housing impacts are now being felt regionally, as seen in rising prices and low inventory in surrounding counties. Businesses are having difficulty finding and retaining employees due to the lack of housing. Increased commuting has led to even greater impacts and congestion on our roads, which in turn leads to increased carbon emissions. All of these factors are detrimental to the community and harm the public interest.

VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

Land Use Code Article 2, Land Use Policies, contains numerous policies that are intended to be used as a guide when applying the Code. Policies to be considered include Section 2-6, Compatibility with Existing Adjacent Neighborhoods; Section 2-17 Adequate Provision of Water; Section 2-18, Sewage Treatment and Collection; Section 2-19, Road System Impacts; and Section 2-23, Extension of Utilities. The application addresses all of the Policies and indicates the ability to implement these policies at the time of development (beginning on p. 366 of the application). The project is specifically intended to help achieve the policies of Section 2-29, Housing, including:

2-2902: Provide a wider choice of housing alternatives for persons of low or moderate incomes living in the community.

2-2903: Insure that future development alleviates rather than contributes to problems of inadequate housing for persons residing or working within the County.

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

Conditions in the area surrounding the subject have not significantly changed. Development over the last ten years has included the infill of low intensity industrial uses, and of deed restricted housing units. The 2006 TRAMP affordable housing amendment further supports deed restricted housing especially in this Ilium Valley location.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

The property is accessed from Ilium Road, which is paved from Highway 145 to the Sunshine Mesa Road (CR 63J) turnoff. Traffic generation will be dependent on the total number of units that are ultimately built. Exhibit E in the application (p. 78) is a letter describing the applicant's traffic engineer's traffic operations and safety review. The letter notes potential operational concerns at the "T" intersection of Ilium Road (CR 63L) onto SH 145, particularly with regards to horizontal and vertical alignments, which can be mitigated through improvements. The letter states that impacts can be mitigated with the addition of auxiliary lanes at the intersection. Additionally, the application states that the provision of transit services to reduce trips could also be effective. The applicant contends that the current impacts at the intersection are the result of the level of current development and that proposed development of the subject property with community housing would only incrementally increase safety and operational traffic issues.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

1-402 Implement Policies

To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process

To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare

To protect the health, safety and public welfare of San Miguel County.

As discussed above, the proposed rezoning and future development site would implement County policies, particularly with regard to housing. The intent of the CH zone district is to simplify the review process for community housing development. Finally, a sufficient supply of housing for local residents, workforce, and emergency and essential workers is critical for the health, safety and public welfare of the region and the County.

Discussion

In considering the proposed rezoning, the Planning Commission should focus on the criteria and whether the application contains information to make affirmative findings.

The property is currently under contract for purchase by the Town of Mountain Village. The rezone application is part of the due diligence period. If the property is not rezoned, the Town will not purchase it, as a 56-acre parcel in the F zone will serve no use in meeting housing goals. While hypothetically over 1,120 units could be developed on 56 acres under the CH zoning (20 units per acre), it is expected that about 100-300 units will be built, given site constraints. The actual number would be determined through the development design and review process. If the property is rezoned and developed, it would be the most significant affordable housing development in the region in years. Lawson Hill is now close to build-out (208 total units) with development plans being prepared for nearly every vacant lot in both upper Lawson and in the Two Rivers area. According to the SMC Housing Needs Assessment, only 101 deed-restricted units were constructed between 2011 and 2017. Without significant land acquisition, the affordable housing deficit will grow larger.

The Community Housing zone district was created and adopted in 2021, after a series of public work sessions between the Planning Commission and Board of County Commissioners. One of the goals of the CH zone district is to remove barriers to the development of housing by focusing on the most significant issues. Prior to the adoption of the CH zone, the only means by which high-density housing could be proposed was through a Planned Unit Development (PUD), a lengthy 5-step process requiring extensive studies and engineering analysis and design up front. PUDs typically grant modifications and variances to development standards in exchange for the granting of a public benefit. In the case of community housing development, the benefit is already built in, making the PUD process unnecessary. The rezone process looks at the big picture and general feasibility. The rezone application provides assessments and assurances in lieu of studies, and defers a significant amount of analysis to the development phase. If the rezone application is approved, detailed studies and development plans will be provided for the next phase, which will include a public review process.

The most critical issues with regards to rezoning are the ability to provide services, especially water, traffic impacts, and impacts on the natural environment. The Town of Mountain Village, states that it is feasible and practical to serve the property with sufficient water for the anticipated development through either stand-alone facilities or by collocating, improving and expanding existing Ilium Park Owners Association (IPOA) facilities. It is known that adding additional traffic to Ilium Road will have impacts, especially at the intersection with the SH 145. That intersection already experiences Level of Service issues due to existing traffic; if rezoning is approved, a full traffic study will be conducted as part of the planning for the development, and possible solutions will be examined. Finally, the application shows that development would be clustered on the site, avoiding steep slopes, floodplain and leaving substantial open areas. As with every other development in the area, impacts on wildlife will be considered and mitigated within the design.

Finally, the San Miguel County Commissioners have made increasing affordable housing opportunities one of their primary goals. The creation of the CH zone district was a first step. Rezoning this property to CH allows the County and Town of Mountain Village to move that much closer to addressing the housing shortage in the community.

Sample Motion:

I move to adopt Resolution No. 2023-06 and recommend the Board of County Commissioners approve rezoning of Parcel 1, Alexander Ilium Property, to Community Housing, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;

2. The proposed rezoning is consistent with the Purpose of Land Use Code Section 5-324, Community Housing and the higher density that may be

proposed is not incompatible with surrounding land uses, neighborhood characteristics or community character;

3. The Applicant and Representatives have demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; mitigation of geohazards; site access; and mitigation of impacts on the environment, consistent with the purpose and standards of Land Use Section 5-324 Community Housing;

4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies and in particular the policies of Section 2-29, Housing;

5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;

6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in Section E, Affordable Housing, in that it will help provide an adequate self-contained supply of affordable and community housing to meet the needs of seasonal employees and permanent residents, and particularly in Ilium Valley, which was added to the Future Land Use Map in 2006.

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
SAN MIGUEL COUNTY, COLORADO,
RECOMMENDING APPROVAL OF THE TOWN OF MOUNTAIN VILLAGE REQUEST
TO REZONE PARCEL 1, ALEXANDER ILIUM PROPERTY PLAT SUBDIVISION
EXEMPTION FOR LOT LINE ADJUSTMENT
FROM FORESTRY, AGRICULTURE AND OPEN (F)
TO COMMUNITY HOUSING (CH)**

Resolution 2023-06

WHEREAS, the Town of Mountain Village (Applicant), for property owned by Alexander Ranch LLLP and Alexander Trust (Property Owner), has submitted an Application (Application) to rezone Parcel 1, Alexander Ilium Property Subdivision Exemption Plat for Lot Line Adjustment portions of the San Miguel Placer (MS 262), Pekin Placer (MS 2230, Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM (Property), more particularly described in Exhibit A, Legal Description Summary, from Forestry Agriculture and Open (F) to Community Housing (CH); and

WHEREAS, Applicants have entered into a purchase contract with the Property Owner to acquire the Property for the purpose of developing affordable housing; and

WHEREAS, the Property contains about 56 acres and the Applicant is seeking approval to rezone the Property to Community Housing (CH), as shown on Exhibit B, Site Utilization Map; and

WHEREAS, increasing affordable housing opportunities is one of the primary goals of the San Miguel County Commissioners; and

WHEREAS, the purpose of the CH zone district as stated in Land Use Code (LUC) Section 5-324 A is to “provide for the development of high-density, clustered housing for people who live and work within San Miguel County;” and

WHEREAS, the purpose statement of the CH zone states with emphasis, “It is the position of the County that housing for people who live and work in the local communities is a high priority. When rezoning land to the CH zone district, the higher density that may be achieved in that zone shall not be considered incompatible with surrounding land use, neighborhood characteristics or community character;” and

WHEREAS, the CH zone district specifies that properties that may be considered for rezoning to the CH district shall be located within the Telluride R-1 School District boundaries, and that properties in the F zone district may be rezoned to the CH zone district where water can be developed; and

WHEREAS, as presented within the application, Applicants have described how the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; mitigation of geohazards; site access; and mitigation of impacts on the environment; and

WHEREAS, the Application was referred to the County Manager, County Attorney, County Building Official, County Road and Bridge Director, County Natural Resources Director, County Parks and Open Space Director, County Sheriff, County Public Health Specialist, County Surveyor, Colorado Parks and Wildlife, Colorado Division of Water Resources, Colorado Department of Transportation, San Miguel Authority for Regional Transportation, Telluride Fire Protection District, Telluride R-1 School District, Telluride Hospital District, Town of Telluride, Black Hills Energy, San Miguel Power Association, US Forest Service and the Ilium Property Owners Association for review and comment; and

WHEREAS, notice was provided as required by Land Use Code Section 3-9, including mailing to all property owners within 500 feet of the subject parcels prior to June 22, 2023; no separate mineral rights owner(s) were identified; and posting of the notice of the public meeting on the property on June 22, 2023; and

WHEREAS, the meeting notice was published in the Telluride Daily Planet and Norwood Post on June 28, 2023; and

WHEREAS, a list of the items included in the Public Meeting Record is attached to this resolution as Exhibit C; and

WHEREAS, the Planning Commission considered this application, along with relevant evidence and testimony, at a public meeting on Thursday, July 13, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of San Miguel County, Colorado, recommends the San Miguel County Board of Commissioners approve rezoning Parcel 1, Alexander Ilium Property Subdivision Exemption Plat for Lot Line Adjustment San Miguel Placer (MS 262), Pekin Placer (MS 2230, Soudan Placer (MS 12909), New York Placer (MS 12721) to Community Housing, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;

2. The proposed rezoning is consistent with the Purpose of Land Use Code Section 5-324, Community Housing, and the higher density that may be proposed is not incompatible with surrounding land uses, neighborhood characteristics or community character;

3. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; mitigation of geohazards; site access; and mitigation of impacts on the environment, consistent with the purpose and standards of Land Use Section 5-324 Community Housing;

4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies and in particular the policies of Section 2-29, Housing;

5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;

6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in Section E, Affordable Housing, in that it will help provide an adequate self-contained supply of affordable and community housing to meet the needs of seasonal employees and permanent residents, and particularly in Ilium Valley, which was added to the Future Land Use Map in 2006.

BE IT FINALLY RESOLVED that all written representations of the applicants in the application, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on July 13, 2013.

SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION

By: _____
Lee Taylor, Chair

Vote:	Lee Taylor	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent
	Galena Gleason	Aye	Nay	Abstain	Absent

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT “A” Legal Description Summary
EXHIBIT “B” Site Utilization Map
EXHIBIT “C” Public Meeting Record list

EXHIBIT "A"
LEGAL DESCRIPTION SUMMARY

Parcel 1, Alexander Ilium Property Subdivision Exemption Plat for Lot Line Adjustment portions of the San Miguel Placer (MS 262), Pekin Placer (MS 2230, Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM. Reception #481406

EXHIBIT "B"
SITE UTILIZATION MAP

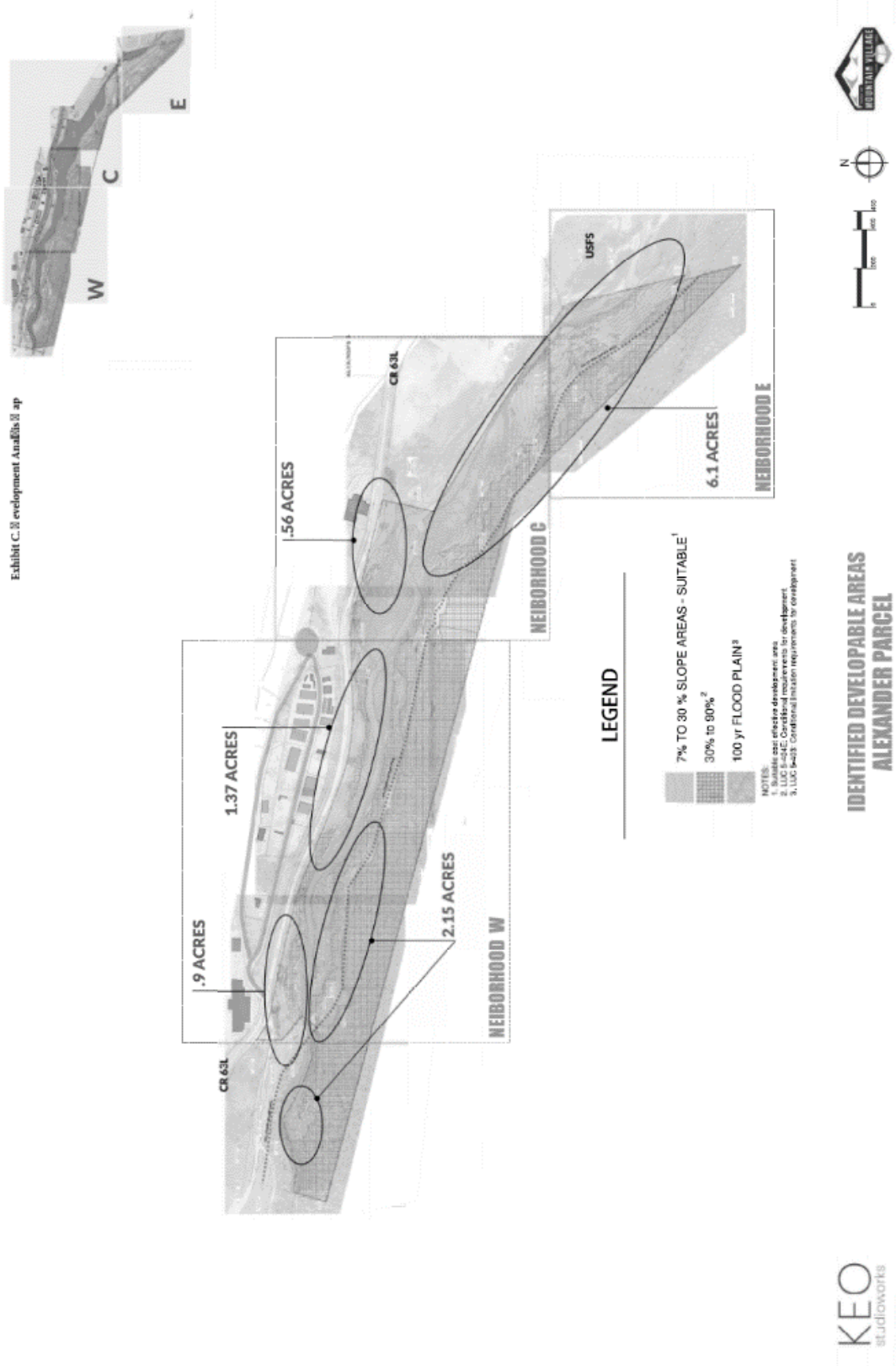


EXHIBIT "C"
PUBLIC MEETING RECORD

County Planning Commission
Application: Town of Mountain Village
Rezone Application for the Alexander Property, Ilium Valley from Forestry/ Agriculture to Community Housing
Date: July 13, 2023
`

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).

2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).

3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 13, 2023.

4. Draft Planning Commission Resolution #2023-06.

5. Application and Supplements submitted by Michelle Haynes, Town of Mountain Village, dated May 22, 2023.

6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 22, 2023.

7. Applicant's Certifications of Compliance with the mineral noticing requirements of the C.R.S section 24-65.5-103(1) dated June 22, 2023.

8. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on June 6, 2023.

AGENCY COMMENTS

9. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June 9, 2023.

10. Email from Scott Heidergott, Telluride Fire Department, to John Huebner, Senior Planner, dated June 16, 2023.

11. Email from David Foley, San Miguel County Surveyor, to John Huebner, Senior Planner, dated June 28, 2023.

12. Email from Kevin Chaney, Public Health, to John Huebner, Senior Planner, dated June 12, 2023.

13. Email from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 12, 2023.

14. Email from Daniel Roussin, Colorado Department of Transportation, to John Huebner, Senior Planner, dated June 14, 2023.

15. Letter from Ron Quarles, Town of Telluride Planning and Building Director, to John Huebner, Senior Planner date June 28, 2023.

PUBLIC COMMENTS

16. Letter from Kara Bagnall, Two Rivers Resident, to John Huebner, Senior Planner, dated June 23, 2023.

17. Letter from Rae Centanni Shaffner, Two Rivers resident, to Michelle Haynes, Town of Mountain Village dated June 29, 2023.

18. Email from Scott Harris, Two Rivers resident, to John Huebner, Senior Planner dated June 30, 2023.

19. Email from Robert Szigeti to John Huebner, Senior Planner dated June 30, 2023.

20. Email from Steve Togni, Telluride Mountain Lodge, to SMC Planning Department dated July 6, 2023.

OFFICE OF THE TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 417-6976

May 22, 2023

ATTN: Kaye Simonson, Planning Director
San Miguel County
kayes@sanmiguelcountyco.gov

RE: SUBMISSION OF REZONE APPLICATION FOR THE ALEXANDER PROPERTY, ILIUM VALLEY

Dear Ms. Simonson:

Attached you will find a rezone application from Forestry/Agriculture zone district to the Community Housing zone district for the Alexander Property in Ilium Valley, unincorporated San Miguel County.

Consistent with Article 4-2 Submission Requirements- Rezoning and Article 4-6 Additional requirements for a Major Development Application & LUC Section 3-601E we have attached the following materials:

1. San Miguel County Application
2. A Check for $1135 for the Rezone Application
3. Project Description
4. 4-202 Letter of Consent from the Property Owner to the application
5. 4-203 Parcel Description
6. 4-204 Title Commitment, proof of ownership
7. 4-205 Legal Access
8. 4-206 Standards Report – addressing the following LUC Sections
    a. Sections 4-2 and 4-6 Submission Requirements
    b. Section 5-1803, Review Standards, Rezoning
    c. Section 5-324 CH Zone District Standards
    d. Article 2. Applicable Land Use Policies
        - *Includes addressing the conformance standards of the Telluride Regional Area Master Plan Section of the County Comprehensive Development Plan*
    e. 1041 Areas of State and Local Interest Supplement (per 4-606)
9. 4-207 Pre-Application Conference Summary dated February 3, 2023
10. 4-208 Site Plan, Existing Conditions, Site Utilization Map
11. 4-603 Existing Official Plat/Subdivision Exemption Plat
12. 4-604 Proposed Plat/Subdivision Exemption Plat – n/a
13. 4-605 Special Submission Contents for Acceptance of Subdivision Roads – n/a
14. 4-606 See Standards Report 1041 Areas of State and Local Interest Supplement above at 8e.

We have also included the following additional materials:

- Exhibit A. Proposed and Existing Zoning/Rezone Map
- Exhibit B Telluride Regional Area Master Plan Exhibit
- Exhibit C. Development Analysis Map
- Exhibit D. Community Housing Zoning Resolution
- Wildlife Table – *see Standards Report 1041 Areas of State and Local Interest Supplement 4-606 at 8e.*
- Wildfire Risk: moderate – *see 1041 Areas of State and Local Interest Supplement Section 4-506 Wildfire Areas for more detail at 8e.*
- 1041 Geohazards Identified – *see 4-206 Standards Report, 1041 Areas of State and Local Interest Supplement cross referencing 4-606 at 8e.*
- Exhibit E. Expert Letter: Traffic and Access – Bechtolt Engineering
- Exhibit F. Expert Letter: Water and Wastewater – SGM
- Exhibit G. Regional Communications Timeline

Sections Identified as Not Applicable pursuant to the pre-application conference summary, see attachment 9. 4-207 identified above.

- Revegetation Plan
- Weed Control Plan
- Employee Housing Mitigation Plan

Thank you for your time and attention. Please let us know whether we have achieved completeness for the purposes of setting the public hearings.

With regard,

Michelle Haynes
Assistant Town Manager
Town of Mountain Village

LAND USE APPLICATION

SAN MIGUEL COUNTY – PLANNING DEPARTMENT

P.O. Box 548, Telluride CO 81435
Phone (970) 728-3083 www.sanmiguelcountyco.gov

Permit # _____
Project # _____
Received _____
Paid _____

Property Owner: Alexander Ranch, L.L.L.P.

Mailing Address: PO Box 3081, c/o the Law Offices of Tom Kennedy

E-mail: tom@tklaw.net **Phone**: 970 728 2424

Representative/Agent: Michelle Haynes, Town of Mountain Village

Mailing Address: 455 Mountain Village Blvd, Suite A

E-mail: mhaynes@mtnvillage.org **Phone**: 970 417 6976

Project Location/Address: See attached legal description and map

Parcel ID Number: portions of 456336200028 and 456531400005 **Zone District:** Forestry/Agriculture

Project Title: Rezone Application Alexander Property from Forestry/AG to Community Housing

Describe your project:

A request to rezone the Alexander Property, a 56.343 acre property in Ilium Valley and within the Telluride Regional Area from Forestry/Agriculture to Community Housing Zone District.

Project Type (check all that apply)

☐ Special Use Permit – 1-step
☐ Special Use Permit – 2-step
☐ Subdivision Exemption
☐ Subdivision
☐ Planned Unit Development
☐ Substantial Plat Amendment
☐ Substantial PUD Amendment
☒ Rezoning
☐ Land Use Code Amendment
☐ Master Plan Amendment

☐ Insubstantial Plat Amendment

☐ Insubstantial PUD Amendment

☐ Minor Amendment to Special Use Permit

☐ Right-of-Way Vacation

☐ Variance

☐ Area of Local/State Interest

☐ Scenic Foreground Overlay Review

☐ Major Review – Single Family Residence

☐ Mineral Exploration and Mining

☐ Logging

☐ Major Oil and Gas Facility

☐ Minor Oil and Gas Facility

☐ Temporary Use

☐ Flood Plain

☐ Wetland

☐ Other: _____

SUBMIT THE FOLLOWING:

■ 2 sets of paper copies of all submittal requirements (refer to the Pre-Application letter for submission requirements)

■ Complete Set of Electronic Files (25MB maximum per file)

■ Legal Description

■ Proof of Ownership

■ Authorization of Representative if other than Owner

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of County and State Codes applicable to the proposed development, and all information requested by this document. I agree to abide by any and all conditions placed upon the proposed development by the Decision-Making Body. I also understand that if I violate any applicable provisions of County and/or State codes, I may be required to remedy such violation(s) through appropriate legal processes imposed by the County, including moving or removing structures and ceasing construction and/or uses,

Paul Wisor , Town Manager — 5/14/23

~~Owner~~ Contract Purchaser (see attached owners authorization) — Date

, Assistant Town Manager — 5/14/23

Representative — Date

The Alexander Property (Subject Property) is located within portions of San Miguel County parcels 456336200028 and 456531400005, located in Ilium Valley, San Miguel County, approximately 1.2 miles west of Mountain Village, Colorado as indicated on the San Miguel County Assessor's online database. It is approximately 56.343 Acres according to the subdivision exemption plat, see attachment 11. LUC 4-603 Proposed Plat/Subdivision Exemption Plat.

The Town of Mountain Village executed a purchase and sale agreement in August of 2022 to purchase the Subject Property. The Owner filed a subdivision exemption plat with San Miguel County which was conditionally approved by the Board of County Commissioners on April 19, 2023 see attachment 11. LUC 4-603 Proposed Plat/Subdivision Plat which legally created the lot, known as Parcel 1 of the Alexander Ilium Property Subdivision Exemption for Lot Line Adjustment. The Town of Mountain Village is filing an application with Owner consent, see Attachment 4. LUC 4-202 Letter of Consent from the Owner, to rezone the property from Forestry/Agriculture zone district to the Community Housing zone district.

The Subject Property is located along the San Miguel River in montane forest and riparian ecosystems. The San Miguel River bisects the entire east to west length of the Subject Property. The south portion of the Subject Property is pristine natural forest with the exception of a historic rio grande southern railroad right of way (aka railroad grade) that has been reclaimed for recreational trail use. The north portion of the Subject Property is a narrow strip of land bordered by County Road 63L (see legal access at attachment 7 LUC 4-205), to the north and the San Miguel River to the south. The land north of County Road 63L is developed and occupied by County buildings including maintenance shops and the sheriff's office; other businesses or light and heavy industry also is present in this area. An active sand and gravel mining operation is present on the northeastern border of the Subject Property, just north of the San Miguel River.

Figure 1. Vicinity Map

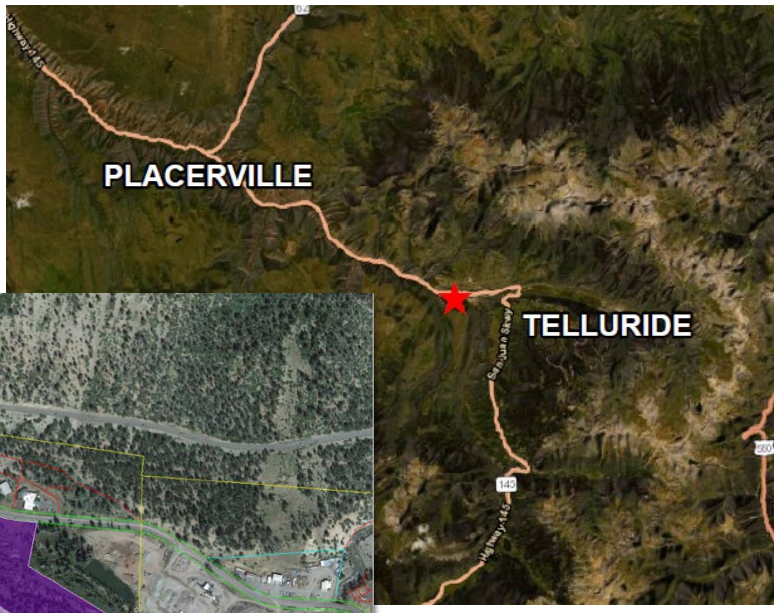
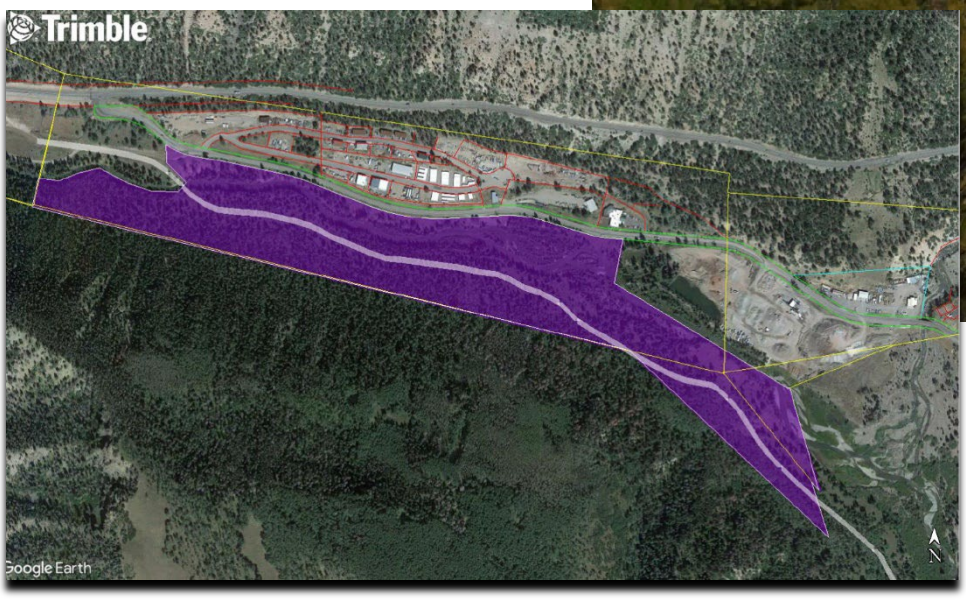


Figure 2. Alexander Property



AUTHORIZATION

February 13, 2023

Alexander Ranch, L.L.L.P., A Colorado Limited Liability Limited Partnership and the Alexander Trust Dated June 25, 2014 ("**Owner**") is the current owner of certain property described on attached **Exhibit "A"** ("**Property**"). The Property is located within the unincorporated portion of San Miguel County, Colorado.

The Owner has entered into a certain purchase and sales agreement with The Town of Mountain Village ("**Buyer**") to acquire the Property. The Buyer is preparing, submitting and pursuing a certain land use application ("**Application**") with San Miguel County, Colorado ("**County**") for a rezoning of the Property, together with any necessary and related land use approvals concerning the Property.

Owner hereby authorizes the Buyer, including Buyer's representatives, consultants and other designees (each an "**Agent**") to prepare, submit and process the Application with the County, provided that any land uses approvals arising from the Application will not be finalized and become effective to the Property until after Buyer's acquisition of the Property.

Approved by the Undersigned.

Alexander Ranch, L.L.L.P., a Colorado Limited Liability Limited Partnership

By: Dave Alexander

Printed Name: Dave Alexander
Title: Partner

By: Karen Alexander

Printed Name: Karen Alexander
Title: Partner

By: Kerry Alexander

Printed Name: Kerry Alexander
Title: partner

The Alexander Trust Dated June 25, 2014

By: Kirk Alexander

Printed Name: Kirk Alexander
Title: owner

Exhibit "A"

A portion of the San Miguel Placer, MS 2068, the New York Placer MS 12721, the Pekin Placer MS 2230, and the Soudan Placer MS 12909 all located within the Lower San Miguel Mining District, Section 31, T43N R9W NMPM and Section 36, T43N R10W, NMPM, San Miguel County, State of Colorado, further described as follows:

Beginning at Corner 1 of said Soudan Placer, MS 12909 being the POINT OF BEGINNING
Thence, N 45° 32' 07" W for a distance of 1692.17 feet to Corner 4 of said Soudan Placer being located on the line between Corner 1 and Corner 2 of said San Miguel Placer;

Thence, N 75° 08' 08" W along said line between Corner 1 and Corner 2 for a distance of 3809.50 feet to said Corner 2;

Thence, N 15° 13' 52" E along the line between Corner 2 and Corner 3 of said San Miguel Placer for a distance of 180.91 feet to the centerline of the San Miguel River;
Thence along said centerline of the San Miguel River the following 5 courses;

1) S 81° 14' 35" E for a distance of 127.39 feet
2) N 69° 14' 44" E for a distance of 130.48 feet
3) N 78° 24' 43" E for a distance of 132.03 feet
4) S 60° 25' 25" E for a distance of 197.01 feet
5) S 69° 55' 15" E for a distance of 157.72 feet

Thence S 87° 36' 59" E for a distance of 162.19 feet to a point in the eastern bank of the San Miguel River;

Thence, N 47° 54' 14" E for a distance of 78.50 feet to a point located on the northern boundary of the Right of Way conveyed to the RGS Rail Road according to the deed recorded September 30, 1890 in Book 11 at Page 361;

Thence, N 43° 59' 54" W along said northern boundary for a distance of 174.06 feet;

Thence, N 00° 00' 00" E for a distance of 113.52 feet to a point on the southern boundary of the Right-of-Way for San Miguel County Road 63L according to the Road Dedication Plat for County Road 63L recorded December 07, 2006 in Plat Book 1 at Page 3773;

Thence along said southern boundary of the Right-of-Way for San Miguel County Road 63L the following 14 courses;

1) Along a non-tangential curve turning to the left through an angle of 23° 07' 28.5", having a radius of 360.00 feet, and whose long chord bears S 62° 55' 13" E for a distance of 144.31 feet.
2) S 74° 28' 58" E for a distance of 17.52 feet to the beginning of a curve
3) Along a tangential curve turning to the left through an angle of 04° 45' 58.2", having a radius of 430.00 feet, and whose long chord bears S 76° 51' 57" E for a distance of 35.76 feet
4) S 79° 14' 56" E for a distance of 113.02 feet to the beginning of a curve
5) Along a tangential curve turning to the right through an angle of 02° 24' 11.6", having a radius of 1470.00 feet, and whose long chord bears S 78° 02' 50" E for a distance of 61.65 feet.
6) S 76° 50' 44" E for a distance of 364.32 feet to the beginning of a curve
7) Along a tangential curve turning to the right through an angle of 09° 49' 50.9", having a radius of 970.00 feet, and whose long chord bears S 71° 55' 49" E for a distance of 166.23 feet.
8) S 67° 00' 53" E for a distance of 386.71 feet to the beginning of a curve,

9) Along a tangential curve turning to the left through an angle of 22° 07' 38.2", having a radius of 1302.48 feet, and whose long chord bears S 78° 04' 42" E for a distance of 499.89 feet to a point of intersection with a non-tangential line
10) N 87° 54' 20" E for a distance of 357.63 feet to the beginning of a curve,
11) Along a tangential curve turning to the right through an angle of 19° 55' 45.7", having a radius of 680.89 feet, and whose long chord bears S 82° 07' 47" E for a distance of 235.64 feet.
12) S 72° 09' 54" E for a distance of 363.52 feet to the beginning of a non-tangential curve,
13) Along a tangential curve turning to the left through an angle of 05° 51' 18.1", having a radius of 829.57 feet, and whose long chord bears S 80° 33' 21" E for a distance of 84.74 feet to a point of intersection with a non-tangential line.
14) S 83° 21' 06" E for a distance of 85.73 feet to a point on the western boundary of the leased property described in the Memorandum of Lease recorded January 12, 1999 under Reception No. 323652;

Thence along said western lease boundary, S 12° 05' 25" W for a distance of 275.00 feet;

Thence continuing along said lease boundary, S 57° 32' 00" E for a distance of 1255.80 feet;

Thence continuing along said lease boundary, N 69° 36' 38" E distance of 11.76 feet to Corner 2 of said New York Placer, MS 12721 also being Corner 8 of the Mary E. Placer, MS 12728, Lower San Miguel Mining District;

Thence, S 14° 30' 56" E for a distance of 659.32 feet to Corner 1 of said New York Placer, MS 12721 also being Corner 7 of the Mary E. Placer, MS 12728, Lower San Miguel Mining District;

Thence, N 37° 53' 24" W along the Line between Corner 1 and Corner 4 of said New York Placer for a distance of 69.58 feet to Corner 2 of said Soudan Placer, MS 12909 also being Corner 6 of the Mary E. Placer, MS 12728, Lower San Miguel Mining District;

Thence S 15° 26' 01" E a distance of 358.91 feet Corner 1 of said Soudan Placer, MS 12909 being the POINT OF BEGINNING;

San Miguel County, State of Colorado

Containing 56.5 acres more or less

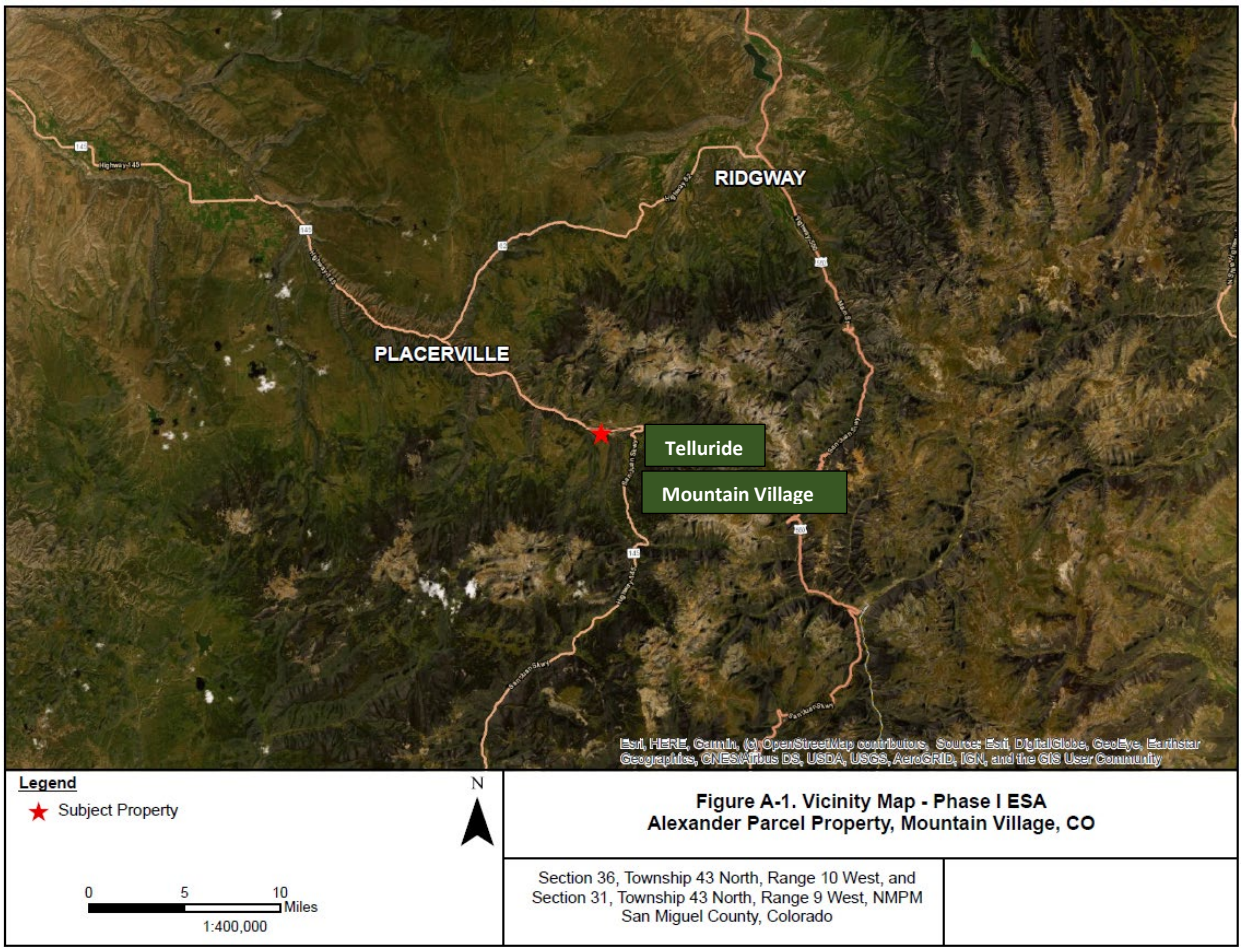
Bearing for this description are relative to the bearing from Corner 3 to Corner 4 of the San Miguel Placer MS 2068 assumed as S 80°06'44" E to be in conformance with Lawson Hill project bearings established by KKBNA, Inc. The bearing of this line was determined by BLM Dependent Resurvey in 1980 to be S 81°31'42" E.

LEGAL DESCRIPTION
The proposed legal description pursuant to the filed subdivision exemption application will be "Parcel 1, Alexander Ilium Property Subdivision Exemption Plat For Lot Line Adjustment recorded at _____."

(The subdivision exemption plat was conditionally approved on April 19, 2023 pending recordation)

STREET ADDRESS
Not assigned

Figure 1. Vicinity Map locating the subject property with San Miguel County



Land Title Guarantee Company
Customer Distribution

PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **ABS86013081-5** Date: **01/31/2023**

Property Address: **VACANT LAND, TELLURIDE, CO 81430**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance
Robin Watkinson
191 S PINE ST #1C
TELLURIDE, CO 81435
PO BOX 277
(970) 728-1023 (Work)
(877) 348-5414 (Work Fax)
rwatkinson@ltgc.com
Contact License: CO338561
Company License: CO44565

Closing Associate
Gaylene Anderson
191 S PINE ST #1C
TELLURIDE, CO 81435
PO BOX 277
(970) 728-1023 (Work)
(877) 348-5414 (Work Fax)
ganderson@ltgc.com
Contact License: CO380183
Company License: CO44565

Closers Assistant
Alysha Daniel
191 S PINE ST #1C
TELLURIDE, CO 81435
PO BOX 277
(970) 728-1023 (Work)
(877) 348-5414 (Work Fax)
adaniel@ltgc.com
Company License: CO44565

For Title Assistance
George Rietsch
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
(303) 850-4151 (Work)
grietsch@ltgc.com

Buyer/Borrower
THE TOWN OF MOUNTAIN VILLAGE
Attention: PAUL WISOR
pwisor@mtnvillage.org
Delivered via: Electronic Mail

Seller/Owner
ALEXANDER RANCH, L.L.L.P.
Attention: KERRY ALEXANDER
kerry49700@hotmail.com
Delivered via: Electronic Mail

Buyer/Borrower
THE TOWN OF MOUNTAIN VILLAGE
Attention: HALEY CARMER
hcarmer@garfieldhecht.com
Delivered via: Hand Deliver

Seller/Owner
ALEXANDER RANCH, L.L.L.P.
Attention: KAREN ALEXANDER
sookie@bresnan.net
Delivered via: Electronic Mail

Buyer/Borrower
THE TOWN OF MOUNTAIN VILLAGE
Attention: DAVID MCCONAUGHY
dmcconaughy@garfieldhecht.com
Delivered via: Electronic Mail

Agent for Seller
COMPASS
Attention: JAMES LUCARELLI
PO BOX 1125
205 W COLORADO AVE
TELLURIDE, CO 81435
(970) 728-0213 (Cell)
(970) 369-7700 (Work)
(970) 369-7786 (Work Fax)
jim.lucarelli@compass.com
Delivered via: Electronic Mail

Buyer/Borrower
THE TOWN OF MOUNTAIN VILLAGE
Attention: MICHELLE HAYNES
mhaynes@mtnvillage.org
Delivered via: Electronic Mail

Attorney for Seller
THE LAW OFFICES OF THOMAS G KENNEDY
Attention: THOMAS G KENNEDY
PO BOX 3081
307 E COLORADO AVE #203
TELLURIDE, CO 81435
(970) 728-2424 (Work)
(970) 728-9439 (Work Fax)
tom@tklaw.net

Seller/Owner
ALEXANDER RANCH, L.L.L.P.
Attention: DAVE ALEXANDER
davealexander@montrose.net
Delivered via: Electronic Mail

BULSON SURVEYING
Attention: DAVE BULSON
166 ALEXANDER OVERLOOK
TELLURIDE, CO 81435
(970) 318-6987 (Cell)
(970) 318-6987 (Work)
dave@bulsonsurveying.com
Delivered via: Electronic Mail

Land Title Guarantee Company
Estimate of Title Fees

Order Number: **ABS86013081-5** Date: **01/31/2023**

Property Address: **VACANT LAND, TELLURIDE, CO 81430**

Parties: **THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO**

ALEXANDER RANCH, L.L.L.P., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP AND THE ALEXANDER TRUST DATED JUNE 25, 2014

Visit Land Title's Website at **www.ltgc.com** for directions to any of our offices.

Estimate of Title insurance Fees	
"ALTA" Owner's Policy 06-17-06	_____
Deletion of Standard Exception(s)	
Research Income (6 Additional Hours)	_____
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

San Miguel county recorded 07/28/2014 under reception no. 433796

San Miguel county recorded 12/21/2009 under reception no. 410334

San Miguel county recorded 12/30/2003 under reception no. 363091

San Miguel county recorded 08/14/1968 under reception no. 172845 at book 324 page 226

San Miguel county recorded 02/15/1968 under reception no. 169851 at book 308 page 341

San Miguel county recorded 10/19/1943 under reception no. 88308 at book 209 page 56B

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABS86013081-5

Property Address:

VACANT LAND, TELLURIDE, CO 81430

1. **Effective Date:**

   01/23/2023 at 5:00 P.M.

2. **Policy to be Issued and Proposed Insured:**

   "ALTA" Owner's Policy 06-17-06
   Proposed Insured:
   THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE
   MUNICIPALITY OF THE STATE OF COLORADO

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

   A FEE SIMPLE

4. **Title to the estate or interest covered herein is at the effective date hereof vested in:**

   ALEXANDER RANCH, L.L.L.P., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP AND THE ALEXANDER TRUST DATED JUNE 25, 2014

5. **The Land referred to in this Commitment is described as follows:**

   A portion of the San Miguel Placer, MS 2068,
   the New York Placer MS 12721,
   the Pekin Placer MS 2230,
   and the Soudan Placer MS 12909,
   all located within the Lower San Miguel Mining District,
   Section 31,
   T43N R9W NMPM,
   and Section 36,
   T43N R10W, NMPM,
   San Miguel County, State of Colorado,
   further described as follows:

   Beginning at Corner 1 of said Soudan Placer, MS 12909 being the POINT OF BEGINNING,
   Thence, N 45° 32' 07" W for a distance of 1692.17 feet to Corner 4 of said Soudan Placer,
   being located on the line between Corner 1 and Corner 2 of said San Miguel Placer;
   Thence, N 75° 08' 08" W along said line between Corner 1 and Corner 2,
   for a distance of 3809.50 feet to said Corner 2;
   Thence, N 15° 13' 52" E along the line between Corner 2 and Corner 3 of said San Miguel Placer,
   for a distance of 180.91 feet to the centerline of the San Miguel River;
   Thence along said centerline of the San Miguel River the following 5 courses;
   1) S 81° 14' 35" E for a distance of 127.39 feet,
   2) N 69° 14' 44" E for a distance of 130.48 feet,
   3) N 78° 24' 43" E for a distance of 132.03 feet,
   4) S 60° 25' 25" E for a distance of 197.01 feet,
   5) S 69° 55' 15" E for a distance of 157.72 feet;
   Thence S 87° 36' 59" E for a distance of 162.19 feet,
   to a point in the eastern bank of the San Miguel River;
   Thence N 47° 54' 14" E for a distance of 78.50 feet,

to a point located on the northern boundary of the Right of Way,
conveyed to the RGS Rail Road according to the deed,
recorded September 30, 1890 in Book 11 at Page **361**;
Thence N 43° 59' 54" W along said northern boundary for a distance of 174.06 feet;
Thence N 00° 00' 00" E for a distance of 113.52 feet,
to a point on the southern boundary of the Right-of-Way for San Miguel County Road 63L,
according to the Road Dedication Plat for County Road 63L,
recorded December 07, 2006 in Plat Book 1 at Page **3773**;
Thence along said southern boundary of the Right-of-Way for San Miguel County Road 63L,
the following 14 courses;
1) Along a non-tangential curve turning to the left through an angle of 23° 07' 28.5",
having a radius of 360.00 feet, and whose long chord bears S 62° 55' 13" E for a distance of 144.31 feet,
2) S 74° 28' 58" E for a distance of 17.52 feet to the beginning of a curve,
3) Along a tangential curve turning to the left through an angle of 04° 45' 58.2",
having a radius of 430.00 feet, and whose long chord bears S 76° 51' 57" E for a distance of 35.76 feet,
4) S 79° 14' 56" E for a distance of 113.02 feet to the beginning of a curve,
5) Along a tangential curve turning to the right through an angle of 02° 24' 11.6",
having a radius of 1470.00 feet, and whose long chord bears S 78° 02' 50" E for a distance of 61.65 feet,
6) S 76° 50' 44" E for a distance of 364.32 feet to the beginning of a curve,
7) Along a tangential curve turning to the right through an angle of 09° 49' 50.9",
having a radius of 970.00 feet, and whose long chord bears S 71° 55' 49" E for a distance of 166.23 feet,
8) S 67° 00' 53" E for a distance of 386.71 feet to the beginning of a curve,
9) Along a tangential curve turning to the left through an angle of 22° 07' 38.2",
having a radius of 1302.48 feet, and whose long chord bears S 78° 04' 42" E for a distance of 499.89 feet,
to a point of intersection with a non-tangential line;
10) N 87° 54' 20" E for a distance of 357.63 feet to the beginning of a curve,
11) Along a tangential curve turning to the right through an angle of 19° 55' 45.7",
having a radius of 680.89 feet, and whose long chord bears S 82° 07' 47" E for a distance of 235.64 feet,
12) S 72° 09' 54" E for a distance of 363.52 feet to the beginning of a non-tangential curve;
13) Along a tangential curve turning to the left through an angle of 05° 51' 18.1",
having a radius of 829.57 feet, and whose long chord bears S 80° 33' 21" E for a distance of 84.74 feet,
to a point of intersection with a non-tangential line;
14) S 83° 21' 06" E for a distance of 85.73 feet to a point on the western boundary,
of the leased property described in the Memorandum of Lease,
recorded January 12, 1999 under Reception No. **323652**;
Thence along said western lease boundary, S 12° 05' 25" W for a distance of 275.00 feet;
Thence continuing along said lease boundary, S 57° 32' 00" E for a distance of 1255.80 feet;
Thence continuing along said lease boundary, N 69° 36' 38" E distance of 11.76 feet,
to Corner 2 of said New York Placer, MS 12721,
also being Corner 8 of the Mary E. Placer, MS 12728,
Lower San Miguel Mining District;
Thence, S 14° 30' 56" E for a distance of 659.32 feet,
to Corner 1 of said New York Placer, MS 12721 also being Corner 7 of the Mary E. Placer, MS 12728,
Lower San Miguel Mining District;
Thence, N 37° 53' 24" W along the Line between Corner 1 and Corner 4 of said New York Placer,
for a distance of 69.58 feet to Corner 2 of said Soudan Placer, MS 12909,
also being Corner 6 of the Mary E. Placer, MS 12728,
Lower San Miguel Mining District;
Thence S 15° 26' 01" E a distance of 358.91 feet Corner 1 of said Soudan Placer, MS 12909,
being the POINT OF BEGINNING;

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABS86013081-5

San Miguel County, State of Colorado.

Bearing for this description are relative to the bearing from Corner 3 to Corner 4,
of the San Miguel Placer MS 2068 assumed as S 80°06'44" E to be in conformance,
with Lawson Hill project bearings established by KKBNA, Inc.
The bearing of this line was determined by BLM Dependent Resurvey in 1980,
to be S 81°31'42"E.

The above legal description was created by,
BULSON SURVEYING
Attention: DAVE BULSON
166 ALEXANDER OVERLOOK
TELLURIDE, CO 81435
(970) 318-6987 (Cell)
(970) 318-6987 (Work)
dave@bulsonsurveying.com

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABS86013081-5

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. (THIS ITEM WAS INTENTIONALLY DELETED)
2. (THIS ITEM WAS INTENTIONALLY DELETED)
3. A FULL COPY OF THE FULLY EXECUTED PARTNERSHIP AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR ALEXANDER RANCH, L.L.L.P. MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

   NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.
4. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF THE ALEXANDER TRUST DATED JUNE 25, 2014 AS A TRUST. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

   NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.
5. A FULL COPY OF THE FULLY EXECUTED TRUST AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR THE ALEXANDER TRUST DATED JUNE 25, 2014 MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

   NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.
6. WARRANTY DEED FROM ALEXANDER RANCH, L.L.L.P., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP AND THE ALEXANDER TRUST DATED JUNE 25, 2014 TO THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO CONVEYING SUBJECT PROPERTY.

   NOTE: THE STATEMENT OF AUTHORITY FOR ALEXANDER RANCH, L.L.L.P., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP AND THE ALEXANDER TRUST DATED JUNE 25, 2014 RECORDED JULY 25, 2022 AT RECEPTION NO. **477641** DISCLOSES DAVID ALEXANDER, KAREN ALEXANDER AND KERRY ALEXANDER AS THE GENERAL PARTNERS AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

   NOTE: THE COMMITMENT DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS.

   NOTE: THIS COMMITMENT IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65.5-103.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABS86013081-5

All of the following Requirements must be met:

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF ALEXANDER RANCH, L.L.L.P., AS TO PARCEL A; AND THE ALEXANDER TRUST DATED JUNE 25, 2014, AS TO PARCELS B, C AND D.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2022 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2023 AND SUBSEQUENT YEARS.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABS86013081-5

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
6. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
7. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
8. LEASES AND TENANCIES, IF ANY.
9. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 29, 1892 IN BOOK 52 AT PAGE 133.
10. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 30, 1889 IN BOOK 52 AT PAGE 128.
11. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 19, 1902 IN BOOK 52 AT PAGE 155.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABS86013081-5

12. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 19, 1902 IN BOOK 52 AT PAGE **154**.
13. UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED FEBRUARY 15, 1968 IN BOOK 308 AT PAGE **341**.
14. UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED DECEMBER 30, 2003 UNDER RECEPTION NO. **363091**.
15. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF YUKON DITCH, WHICH TRAVERSES SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO DITCH MAINTENANCE AND ACCESS RIGHTS TO LANDS ADJOINING SAID DITCH, AS DISCLOSED BY INSTURMENT RECORDED SEPTEMBER 15, 1897 UNDER RECEPTION NO. **21193**.
16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEED RECORDED SEPTEMBER 30, 1890 IN BOOK 11 AT PAGE **361** AND DEED RECORDED APRIL 24, 1891 IN BOOK 54 AT PAGE **484**, AND RECEIVER'S DEED RECORDED MARCH 27, 1953 IN BOOK 220 AT PAGE **33**, AND DEED RECORDED JUNE 20, 1991 IN BOOK 478 AT PAGE **934**, AND THE EFFECT OF LETTER REGARDING THE OLD RIO GRAND SOUTHERN RAILROAD RIGHT-OF-WAY, RECORDED OCTOBER 7, 1992, IN BOOK 499 AT PAGE **472**, AND DEED RECORDED DECEMBER 30, 2003 UNDER RECEPTION NO. **363087**.
17. (THIS ITEM WAS INTENTIONALLY DELETED)
18. (THIS ITEM WAS INTENTIONALLY DELETED)
19. (THIS ITEM WAS INTENTIONALLY DELETED)
20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RIGHT-OF-WAY EASEMENT RECORDED AUGUST 19, 1986 IN BOOK 429 AT PAGE **328**.
21. (THIS ITEM WAS INTENTIONALLY DELETED)
22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT GRANTING EASEMENTS RECORDED OCTOBER 20, 1994 IN BOOK 536 AT PAGE **794** AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 7, 2006 UNDER RECEPTION NO. **388901**.
23. (THIS ITEM WAS INTENTIONALLY DELETED)
24. (THIS ITEM WAS INTENTIONALLY DELETED)
25. (THIS ITEM WAS INTENTIONALLY DELETED)
26. (THIS ITEM WAS INTENTIONALLY DELETED)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABS86013081-5

27. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE ROAD DEDICATION PLAT FOR COUNTY ROAD 63L RECORDED DECEMBER 07, 2006 IN PLAT BOOK 1 AT PAGE **3773**.

28. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT TO GRANT TEMPORARY CONSTRUCTION EASEMENT RECORDED DECEMBER 07, 2006 UNDER RECEPTION NO. **388904**.

29. (THIS ITEM WAS INTENTIONALLY DELETED)

30. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE SHAVANO CONSERVATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 20, 2021 UNDER RECEPTION NO. **470215**.

31. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF SAN MIGUEL RIVER AND THE SOUTH FORK OF THE SAN MIGUEL RIVER.

32. MATTERS DISCLOSED ON ALTA/NSPS LAND TITLE SURVEY PREPARED BY DAVID R. BULSON FOR AND BEHALF OF BURLSON SURVEYING, CERTIFIED SEPTEMBER 22, 2022, JOB NO. 22045

    SAID DOCUMENT STORED AS OUR IMAGE **54571818**

    A: EXCEPTION FOR RIGHT OF UTILITIES WITHOUT THE BENEFIT OF A RECORDED EASEMENT.
    B: EXCEPTION FOR RIGHT OF ACCESS AND MAINTENANCE OF GALLOPING GOOSE TRAIL WHICH TRANSVERSES THE SUBJECT PROPERTY WITHOUT THE BENEFIT OF A RECORDED EASEMENT.

LAND TITLE GUARANTEE COMPANY
DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

(A) The Subject real property may be located in a special taxing district.

(B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).

(C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

(A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.

(B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.

(C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.

(D) The Company must receive payment of the appropriate premium.

(E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

(A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and

(B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

JOINT NOTICE OF PRIVACY POLICY OF LAND TITLE GUARANTEE COMPANY, LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY LAND TITLE INSURANCE CORPORATION AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;

  and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS
   (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
   (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
   (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
   (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
   (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
   (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   (a) the Notice;
   (b) the Commitment to Issue Policy;
   (c) the Commitment Conditions;
   (d) Schedule A;
   (e) Schedule B, Part I—Requirements; and
   (f) Schedule B, Part II—Exceptions; and
   (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. **COMPANY'S RIGHT TO AMEND**

   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. **LIMITATIONS OF LIABILITY**
   (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I—Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.
   (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
   (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
   (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
   (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
   (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
   (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
   (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

   The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
8. **PRO-FORMA POLICY**

   The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
9. **ARBITRATION**

   The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

Craig B. Rants, Senior Vice President

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By *President*

Attest *Secretary*

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Exhibit 1. Legal Access for the Subject Property

Subject Property: Legal Access from County Road 63L

MINIMUM SUBMISSION CONTENTS FOR ALL APPLICATIONS PER SMCLUC §4-2

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.

See attachment 4, Letters of Owner Consent.

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.

See attachment 5, for the Parcel Description, inclusive of a vicinity map and legal description. No street address has been assigned.

See attachment 11, Existing Official Plat/Subdivision Exemption Plat. Please note it was conditionally approved by the Board of County Commissioners on April 19, 2023 pending recordation at the Office of the San Miguel County Clerk and Recorder.

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.

See attachment 6, Title Insurance Commitment. Transaction costs have been redacted.

4-205 Legal Access

See attachment 7, Legal Access. The subject parcel to be rezoned has legal access to County Road 63L. See attachment 7.

4-206 Standards Report

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

See attachment 8a-3, Standards Report and associated supportive materials and 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.

See attachment 9, Preapplication Conference Summary, provided on February 3, 2023.

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 which 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 the 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.

See attachment 10, Site Utilization Map.

4-209 Copies of Application
During the pre-application conference the staff shall specify the number of copies of the application to besubmitted.

See attachment 9, Pre-application Conference Summary that indicates one paper copy and one electronic copy is to be submitted to the county.

Items indicated that do not need to be addressed with the rezone application.
At attachment 9, the preapplication letter indicated that Sections 4-210 Revegetation Plan, and 4-211 Weed Control Plan, are not applicable to the Rezone. Those items would be addressed in the actual development plan. LUC Section 4-212 Employee Housing Mitigation Plan is also not applicable, as the Community Housing zone district specifies that dwelling units constructed in that district are subject to the County's R-1 Housing Deed Restriction.

ADDITIONAL REQUIREMENTS FOR A MAJOR DEVELOPMENT APPLICATION PER SMCLUC §4-6
4-601 General
This part of the Code establishes the required submission contents for Group I development applications. Figure 4-1 of this Article 4 identifies the various land development applications in Group I, Code sections that contain the review procedures and the review standards applicable to each type of land development application.

Not applicable.

4-602 Application Contents
Development applications for activities categorized as Major Development Applications (Group I) shall include the minimum submission contents for all land development applications listed in Section 4-2 and a written report demonstrating that an application complies with the applicable review standards identified in Figure 4-1 and with any other relevant Land Use Code standards.

Minimum submission contents are set forth above, and the Rezoning Review Standards are addressed below.

4-603 Existing Official Plat or Planned Unit Development (PUD) Plan
An applicant shall submit copies of the approved plat or PUD plan.

See attachment 11. The existing official plat/subdivision exemption plat

4-604 Proposed Plat, Plan or Map
An applicant shall submit printed copies of the proposed plat or plan, map of the roads proposed to be accepted by the County, or area proposed for rezoning in the size and format directed by the Planning Department. Applicants for development in an Area of State and Local Interest (1041 environmental hazard review) need not submit this plat or map.

Not applicable.

4-605 Special Submission Contents for Acceptance of Subdivision Roads

Not applicable, no roads are proposed to be dedicated and accepted with the rezone application.

4-606 Special Submission Contents for All Applications for Development in an Area of Local and State Interest/ C.R.S. 1041 Environmental Hazard Review

While this application is only for rezoning, the relevant standards under SMCLUC Section 4-606 are addressed in the Standards Report see attachment 8.e.

OVERVIEW
This application is for rezoning and is not an application for development. After rezoning, a separate application will be filed for development of the rezoning area, as noted in the pre-application letter provided by the County Planning Department dated February 3, 2023. The development application will address, in detail, all the relevant criteria for the specific development project proposed at that time. The standards to be met with a rezoning application is whether the rezoning request is in general conformance with the San Miguel County Master Plan and the relevant rezone standards of review.

It is the position of the county that housing for people who live and work in the local communities is a high priority. Adoption of the Community Housing zone district resolution 2021-038, see exhibit D, is testament to the County's commitment to regional housing.

LUC Subsection 5-1803A identifies seven (7) standards and Subsections 5-1803B & C identify two additional standards that the Planning Commission and the Board of County Commissioners shall consider when deciding whether to approve an application for rezoning. Each of those standards is addressed below.

STANDARDS OF REVIEW FOR REZONING Section 5-1803 A.
The LUC standard is **bold** and the responses are in regular font.

I. Meets any applicable Sections of the Land Use Code.

As demonstrated throughout this application, the proposed rezoning of the rezoning area to Community Housing (CH), satisfies all applicable sections of the LUC, including §§3-6, 4-2, 4-6, 5-324, 5-1803, and Article 2. In addition, the application addresses Areas and Activities of State and Local Interest (C.R.S. 24-65.1-101,et seq. commonly known as 1041 Environmental Hazards) per Section 5-4 of the LUC. We are adding this information as a courtesy and out of an abundance of caution. Further 1041 analysis and review will occur as part of a site-specific development application. See Standards Report at attachments 8a-e for specific review criteria addressed as iterated above.

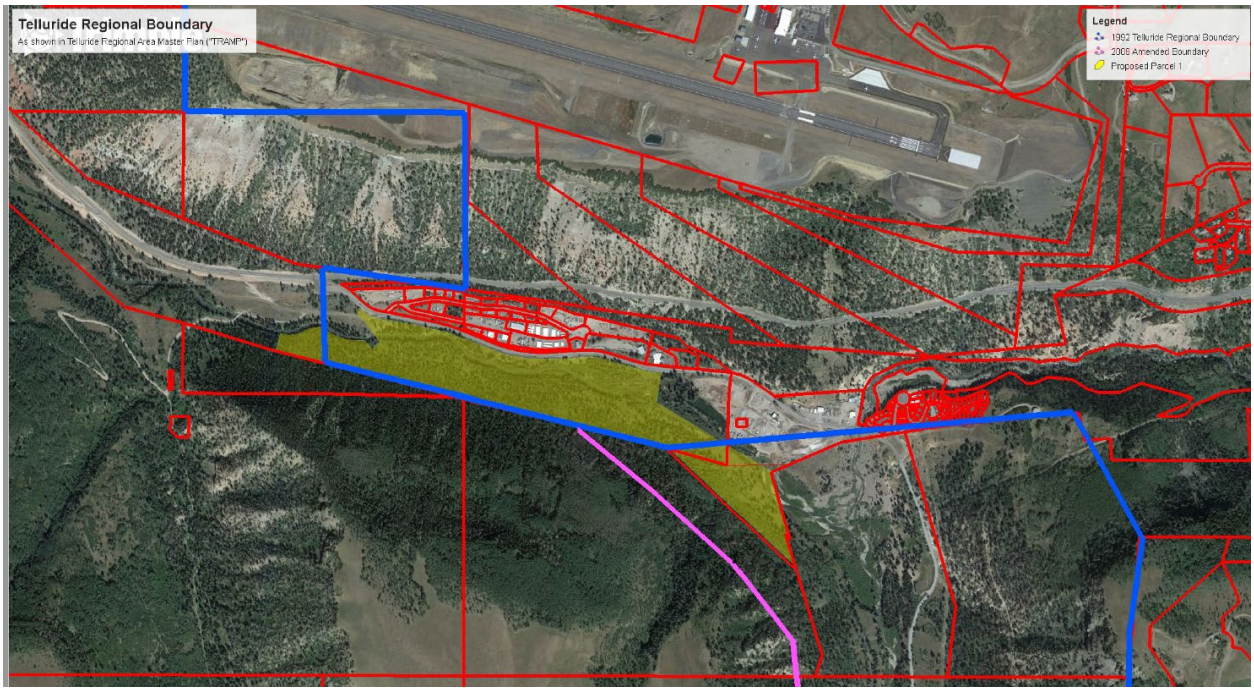
The rezoning area meets the criteria of the new CH zone district because of its location within the Telluride R-1 school district boundaries. LUC §5-324 states that lands zoned "F" may be considered for rezoning to "CH" where water can be developed.

II. Is consistent with the San Miguel County Comprehensive Development Plan.

The San Miguel County Comprehensive Development Plan (SMCCDP, as amended through December 8, 2021) provides a broad policy framework to support decision-making for land development within the County. The SMCCDP breaks up the geography of the County into five planning areas, including the Telluride Regional Area, within which the rezoning area is located. The SMCCDP includes, by reference, the Telluride Regional Area Master Plan (TRAMP, as adopted on July 12, 1989, and as amended through December 2021) which provides the policy framework for the Telluride Regional Area. The TRAMP addresses relevant topics impacting land development (patterns of development, preservation of community, affordable housing, transportation, environmental and scenic quality). The goals and objectives set forth in the TRAMP are described below along with how the proposed rezoning supports them.

As also noted Under Article 2 Section 2-1 Conformance with the Adopted Comprehensive Plan, the proposed rezone is consistent with the San Miguel County's adopted Comprehensive Plan.

Illustration 1. Illustrating the subject property as within the Telluride Region Area (blue line) pursuant to the original TRAMP defined boundary, and a portion within and adjacent to the 2006 Amended Boundary to consider additional affordable housing (pink).



The property falls within the Telluride Regional Area. In 2006 the TRAMP Future Land Use Map was amended See illustration 1. Below, to include a deed restricted employee housing overlay. A portion of the Alexander Property falls within this overlay. See also exhibit B. Telluride Regional Area Master Plan Exhibit which illustrates the Subject Property's alignment within the Telluride Region and as amended in 2006 in a larger format but also shown above.

Illustration 2. Future Land Use Map Amendment 12/13/06 from the TRAMP (p. 60 of 89, TRAMP)

Note: Subject Property overlay (in pink) within the 2006 Future Land Use Map Amendment dated 12/13/06. A portion of the Subject property falls within the deed restricted employee housing expansion boundary (dotted orange line)

RELEVANT CONFORMING TRAMP SECTIONS ARE NOTED BELOW.

Section J. R-1 Housing, language states the following (p. 67 of 89, TRAMP)

> Expand the Telluride region to include additional lands, both public and private, that are south of and adjacent to or in proximity to the Ilium Valley portion of the Lawson Hill PUD.

The Subject Property meets this objective.

Section K. Lawson Hill PUD, Ilium Valley (p. 67 of 89, TRAMP) was also amended to include the following language,

> This recommendation is being made because there is a need for additional affordable housing in the Telluride Region and because the Planning Commission believes that residential development at this location [Ilium Valley] would be more compatible with the existing adjacent residential neighborhood, Two Rivers, than industrial and commercial uses that may be allowed under the current zoning and land use designations."

An amendment to the TRAMP was expressly adopted in 2006 to consider additional deed restricted housing density in Ilium Valley including the Alexander Property which is inclusive of, adjacent to and in proximity to the Ilium Valley portion of the Lawson Hill PUD and identified as an area for additional deed restricted housing.

Telluride Regional Area Goals & Objectives (p. 13 of 89, TRAMP)

Future Land Use Pattern (TRAMP, Part II, Page 13): A goal for the TRAMP is to "[p]romote a clustered development pattern for urban densities in nodes or villages in order to protect and enhance scenic quality, preserve usable public and private open space, minimize the adverse environmental impacts associated with development, and provide a wide range of recreational and housing opportunities for all residents and visitors to the Region."

The proposed rezoning to Community Housing, supports an expansion of housing options for residents in the Telluride Regional Area and the CH zoning encourages clustered development, whereas the existing zoning does not. With a future land use application, the additional criteria being met can be demonstrated.

Objectives supporting this goal include the avoidance of environmentally sensitive areas, the minimization of automobile dependency because in part of its proximity to the Town of Mountain Village and the Town of Telluride and the existing San Miguel Area Regional Transportation (SMART) public transportation route in Ilium Valley, and the need to support a safe intersection. Best land use practices include avoiding environmentally sensitive areas like the floodplain and delineated wetlands and avoiding steep slopes over 30%. The development analysis map see Exhibit C, assesses the area appropriate for potential residential development within the proposed rezoning area and demonstrates that areas of environmental sensitivity can be avoided.

The Town of Mountain Village has undertaken a traffic and intersection study to better understand traffic impacts and possible intersection improvements. The study and ongoing communications inclusive of with our engineer, Bechtolt Engineering, CDOT, Regional 5 and the GVTPR and recognize that the intersection, with today's uses, needs specific identified and attainable safety improvements. Once the existing safety improvements are achieved, the additional density would not trigger additional improvements. The Town of Mountain Village is working with our partners to better understand cost and location analysis to create a safe intersection into Ilium Valley now and in the future. To reiterate, the additional density conceptually proposed, does not trigger improvements beyond those necessary to be provided for existing densities and uses. Safety improvements are necessary. It is our understanding that 63L was identified by the GVTPR as an intersection needing safety improvements.

At the time of a future development application, a more in-depth traffic analysis and safety improvement plan will be provided to determine required mitigation measures with associated costs. See traffic expert letter at Exhibit E.

One of the intentions of the Community Housing zone district is to have clustered development. The development analysis map see Exhibit C, shows that when working with the existing topography and site constraints clustering and creating small neighborhoods naturally occurs on this property. This allows for maintaining the existing trail on the south side of the river and maintenance of open space areas on the rest of the site. The site is proximate to recreation opportunities and trails both up valley and down valley from this location.

Environmental Quality (TRAMP, Part II, Page 14): A goal for the TRAMP is to "[p]rotect environmentally sensitive areas and prohibit development from occurring in areas that are unsuitable for development. Environmentally sensitive areas include wetlands, floodplains, steep slopes, riparian areas and other wildlife habitats, geologic hazard areas, etc."

The development analysis map, see Exhibit C, assesses residential development within the rezoning area in consideration of this spectrum of environmental resources and constraints. Refer to the following Exhibit 10, Site Utilization Map, that identifies floodplains, wetlands and slopes over 30%, as the San Miguel River bisects this property.

We have identified and intend to avoid areas of steep slopes (more than 30%) to avoid potential geologic challenge and associated high mitigation and development costs. Refer to exhibit 10. The site utilization map. Typical Colorado wildlife habitat has been identified on this undeveloped parcel, GIS data from the County and Colorado Parks and Wildlife (CPW) on Elk, Mule Deer, and Beaver habitat confirms the potential presence of some habitats within or near the area of rezoning. Please refer to Table 1. for the full list of typical and standard wildlife, avian, shrubs, forbs, grasses and trees present on the property found within attachment 8e 1041 Supplement. No endangered animals or plants were identified on the property. As a goal within the TRAMP, the consideration of these habitats is facilitated through Section 5-407 of the LUC, which will be applicable in any development of the rezoning area.

Scenic Quality (TRAMP, Part II, Page 29): A goal for the TRAMP is to "[p]reserve and enhance the scenic quality along State Highway 145 for the benefit of residents and the continued viability of the Regional Area's recreation-based economy which is primarily dependent upon the quality of the physical setting.**"**

The rezoning area, located south of State Highway 145, is within the regional boundary but outside of the scenic view plane and scenic foreground overlay along State Highway 145, as presented on page 54 of the TRAMP.

Preservation of Community (TRAMP, Part II, Page 30): A goal for the TRAMP is to "[m]aintain and enhance the distinctive sense of community which is present in the Telluride Region Area today***."***

This TRAMP goal speaks to supporting a balance between the needs of year round residents and visitors. The objectives that support this goal notes, to "[e]nsure the provision of affordable housing to serve both permanent and seasonal employees," with emphasis on preserving or creating a "stable resident population. The proposed rezoning to Community Housing is supportive of this objective and the broader goal of creating deed restricted housing for a stable resident population. The adoption of the Community Housing zoning district into the LUC was directed at expanding housing opportunities due to high local demand. Additionally, the proposed rezoning supports the objective to "[e]ncourage residential developments that are intended to house persons (and their families) who live and earn their incomes primarily in the Telluride Region." This is intended to be addressed by the creation of the CH zone district because of the emphasis on the creation of deed restricted housing for those employed within the R-1 school district boundary.

Affordable Housing (TRAMP, Part II, Page 31): The primary goal of the TRMP is to "[p]rovide an adequate self-contained supply of affordable and community housing to meet the needs of seasonal employees and permanent residents**."**

The provisions of the Community Housing zoning district require deed-restrictions that promote housing affordability and preference for those working in the R-1 school district. The density allowances in the district and the characteristics of the developable portions of the rezoning area will support housing forms that are intended to be affordable to develop. A future development application will identify specific housing types and unit mixes. The Town of Mountain Village will see funding partners and state and local grant opportunities to achieve affordability coupled with the deed restriction.

Objectives #12 and #15 within the Affordable Housing goals specifically support this application for rezoning. Objective #12 states to "Allow for the construction of residential development that will provide community, workforce and affordable housing where it is possible to provide adequate water and wastewater treatment; has access to traffic corridors; and is not located where hazards exist." As stated elsewhere in this application, the area of rezoning is proximate to existing utilities and public transportation, may enhance the existing water and wastewater facilities in Ilium Valley, is adjacent to 63L and State Highway 145, and is not susceptible to hazards that cannot otherwise be mitigated.

Objective #15 which is to *"Encourage the development of a variety of community, affordable and workforce housing types, including large- and small-scale housing projects, infill housing, and mixed-use development."*

The development pods/communities identified lend itself to a mix of large and small as well as rental and for sale opportunities. Detail would be provided with a future development application.

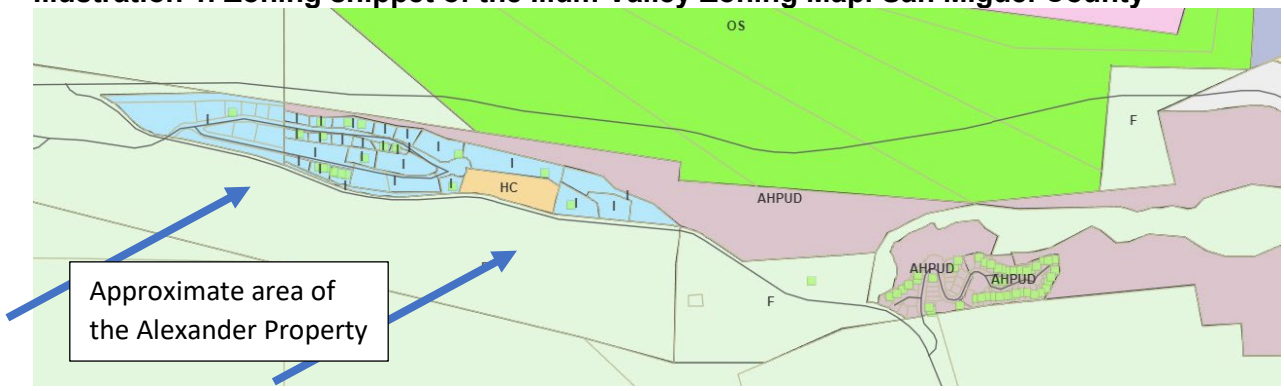
III. Is compatible with surrounding Zone Districts and land uses, considering existing land use, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible.

Although the CH zone district allows for consideration of high-density development, even when its otherwise incompatible with surrounding land uses, there is already high density deed restricted housing adjacent and in proximity to the Subject Property, called the Two Rivers Owners Association which was developed as a AHPUD and affords over 65 land unit condominiums with a mix of unit configurations. Also, the Lawson Hill PUD is a mix of commercial, residential and industrial land uses. The Lawson Hill PUD found in Ilium is often referred to as the lower Lawson Hill PUD area. The Lawson Hill PUD has residential uses very similar in density anticipated on the Subject Property and complemented by the Two Rivers OA.

A transit system currently run in Ilium Valley operated by the San Miguel Authority for Regional Transportation. As shown on the rezone map found at Exhibit A, and Illustration 1. below, the existing surrounding zone districts are Forestry, industrial, and AHPUD.

Given the 2006 amendment to the TRAMP, additional deed restricted residential development is deemed suitable in this location, adjacent to the Lawson Hill PUD and AHPUD zoned properties.

Illustration 1. Zoning snippet of the Ilium Valley Zoning Map. San Miguel County



IV. Would not result in unsupportable demands on public facilities and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities.

This is a rezoning application, not an application for a development plan. Any enhancement and extensions of services and impacts on public facilities would require a review of available capacities and services in the context of a site-specific development program sought under the CH zoning designation. The rezoning of the rezoning area will not, in and of itself, result in ANY demand, much less unsupportable demand on public facilities. The demand on public facilities results from development and these issues will be addressed more carefully when future development application is submitted. Nevertheless, the impact on public facilities is discussed at a high level in the following paragraphs.

The rezoning area is located along a county road and is within the Telluride Regional Area. This location affords the opportunity for future development to connect to established public roadways, and existing regional transit systems. As previously described, the location

also enables potential future connections to the existing water and package plant facilities while paying our way as it relates to water rights/augmentation and use along with expansion of the existing package plant and water treatment facility. Should a shared facility not be agreed to, our second option has been demonstrated providing for both physical water and legal water as well as a waste package plant onsite.

The rezoning area is near to existing recreational infrastructure, trails and open spaces, that will be connected to a future development submittal.

V. Would not result in significant adverse impacts on the natural environment.
This is a rezoning application and the rezoning, in and of itself, will have no impacts on the natural environment – that would occur with development. Nevertheless, the ultimate development of the rezoning area will not have significant adverse impacts on the natural environment and developed consistent with the County's LUC environmental regulations. As described above in the review of the SMCCPD and TRAMP, as well as in the discussion below on Areas of State and Local Interest and 1041 Environmentally Sensitive Areas, the rezoning area has both a floodplain and wetland area requiring setbacks per the LUC along with steep slopes and identified wildlife habitat. To develop community pods, which avoids environmentally sensitive areas, a rezone would not adversely impact the natural environment and LUC regulations will be adhered to through the next phase of a development proposal to the county.

VI. Would not be in conflict with the public interest.
Rezoning is directly aligned with the greater public interest cited both within exhibit D., County Resolution 2021-038, and the goals and objectives of the SMCCPD and TRAMP - which expressly identify the pressing need for affordable community housing along with the specific deed restricted residential housing vision in Ilium Valley demonstrated by the 2006 amendment to the TRAMP.

Ilium Valley, due to the existing public transportation and housing development, outside of the municipal boundaries of either town, is the next closest and most logical area for development supported by the County's regulations and Comprehensive plan.

VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.
Again, this is an application for rezoning and not for development. Many of the policies clearly relate to development, are not applicable in this context and will, necessarily, be addressed when the subject parcel is proposed to be developed. The rezoning of the property from F to CH satisfies the applicable Policies in Article 2, LUC as described in the Standards Report, attachments 8d, of this application.

Two of these policies espouse positions that the rezoning would actively support and help to achieve. Policy 2-2902 (SMCLUC, Article 2, Page 2-10): Provide a wider choice of housing alternatives for persons of low or moderate incomes living in the community.

The Community Housing zone district supports greater residential densities and supportive housing forms that are, especially coupled with deed restrictions, more affordable to low- and moderate-income members of the Telluride Region. Policy 2-2903 (SMCLUC, Article 2, Page 2-10: Insure that future development alleviates rather than contributes to problems of inadequate housing for persons residing or working within the County. As the property undergoes a future development application, we would be able to better understand the specific funding

opportunities at the State and Federal level which could assist with creating a greater spectrum of affordability along with regional partner participation.

Section 5-1803 B.
The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

As described, the existing land uses of nearby parcels include deed restricted housing, industrial, light industrial and commercial uses. The 2006 TRAMP amendment further supports that conditions have changed to support deed restricted housing broadly and specifically targeted in Ilium Valley. A rezone of this parcel will further the goals of the existing TRAMP as a portion of the property already lies within the area identified as the housing overlay in the Future Land Use Map Amendment dated 12/13/06 (between pages 41 & 42 in the TRAMP).

Additionally, there has been a change in the LUC which allows the rezoning, which is the adoption of Resolution 2021-038. The Town of Mountain Village met with both the IPOA and the Two Rivers HOA. We also held a community housing forum to address questions about possible development in this area. The support for this purchase, for deed restricted housing, has been positive from the regional at large as well as our adjacent neighbors. We would anticipate hearing additional public comment broadly and from our neighbors through the public hearing process.

*Affordable housing in the Telluride Region has been a long-standing priority for the region, and for which there have been considerable efforts to address, the acuteness of the issue has sharply risen recently as documented in the **2021 Mountain Migration Report**. This recent change to the community as documented in the report is in addition to the housing demands described in the **2018 San Miguel County Housing Needs Assessment,** which estimated a then deficit of approximately 400 housing units, with a projected need of approximately 900 additional units over the next 20-year time horizon. In response to these changing conditions, the County adopted the Community Housing (CH) zone district in December of 2021 to encourage and facilitate the development of new affordable housing in the County.*

Section 5-1803 C.
The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.
Rezoning vacant land, in and of itself, does not have any effect on traffic generation and that is all that is requested here. Nevertheless, while any development of the rezoning area will increase traffic generation (even under current zoning) development at the densities allowed under the CH zoning designation can be safely accommodated. We have provided a professional opinion letter from Rich Bechtolt, see Exhibit E, who has analyzed the proposed rezoning property and found that development within the CH Zone District standards, and the associated increase in traffic generation, would not materially change the safety improvements that have been identified to be mitigated for the uses, and expansion of uses already found in Ilium Valley. Our preliminary study indicated that additional residential density between 100-400 units does not trigger additional improvements beyond those required today. This will be a formative discussion point with the next development application, as the Mountain Village, as well as the region, seeks to improve a substandard and unsafe existing intersection. The Mountain Village has been analyzing costs, alignment, and safety in the general area as well as 63L specifically to derive the best possible intersection improvement plan. See Exhibit E, expert letter from Bechtolt Engineering.

II. PURPOSE OF THE COMMUNITY HOUSING (CH) ZONING DISTRICT
As described in Article 5, Section 5-324 A. of the LUC, the purpose of the Community Housing (CH) district is "**to provide for the development of high-density, clustered housing for people who live and work within San Miguel County.** Housing may be in attached or detached single family homes, duplexes, multi-family buildings, or rooming houses. Development may also include alternative living units such as spaces for RVs, tiny homes or yurts. Dwelling units shall be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304 and 5-1305), unless free-market units are allowed within the development."

Section 5-324 of the LUC identifies several attributes specific to rezoning to Community Housing. This application lists each of the attributes with a response from the applicant.

Location within the Telluride R-1 School District Boundaries*: "Properties that may be considered for rezoning to the Community Housing (CH) zone district shall be located within the Telluride R-1 School District boundaries."*

The rezoning area is located within the Telluride R-1 School District. Refer to Attachment B. Telluride Regional Master Plan exhibit.

Water: "Zone districts that are most appropriate for rezoning to CH are those that can be served by municipal water, including Low Density (LD), Low Density Residential (LDR), Medium Density (MD), and High Density (HD). The Forestry, Agriculture, and Open (F) zone district may be considered where water can be developed."

The rezoning area is presently within the County Forestry, Agriculture zone district. There is an existing water and waste package plant in Ilium owned by the Ilium Park Owners Association (IPOA) and serves the Lawson PUD and Two Rivers Owners Association. The Mountain Village has explored and confirmed the technical feasibility of co-locating, improving and expanding those existing facilities in cooperation with the IPOA which is consistent with regulatory best practices. Such co-location is Mountain Village's preferred option, provided that an agreement can be reached with the IPOA. No representations are being made as it relates to the IPOA/Two Rivers HOA assurance of such an outcome associated with the CH zoning application. A secondary alternative which is equally viable is to develop a stand-alone facility/ies. The specifics of the necessary service and system will be determined at the time of site-specific development plan.

Uses and Development Types: "Clustered development is encouraged to maintain open space, to be efficient in design and construction of infrastructure, and to mitigate impacts on adjacent properties. Recreational, civic and public uses may be part of the development where appropriate. All development shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of water and wastewater treatment; mitigation of geohazards; site access; and any other applicable site-specific considerations."

The nature of the rezoning area enables future clustering of development into pods/neighborhoods. A Development analysis, see attachment C, was prepared to study the land within the proposed rezoning area. The map shows the portions of the rezoning area and the lands where future development is generally suitable within the attributes of the CH zone

district and site constraints such as steep slopes, known geohazards, avoidance of wetlands and the floodplain setback. This plan evaluated the general location appropriate for building on and demonstrated that clustered development can be comfortably achieved. Due to the feasibility of clustering housing within the area to be rezoned, future development applications can include substantial open spaces, recreational trail access, and other improvements such as transit stops.

At the time of site-specific development, all appropriate guarantees for the protection of public health, safety and welfare will be provided and addressed. The engineering and design for any water treatment facility and package wastewater treatment plant would conform with all applicable State and County regulations and follow required approval processes.

Energy Efficient Design*: "All development in the Community Housing zone district is encouraged to include energy efficient design and alternative energy generation such as solar power. Net zero development – producing enough energy with measures such as solar panels, passive design, and other means to offset the energy consumed on an annual basis – is strongly encouraged. Sites that are not suited to net-zero development should strive to be as energy efficient as possible, through design, construction, and building systems."*

While the specific design program for future development within the rezoning area is not established, the town intends to pursue state and federal funding, much of which requires electrification, high efficiency appliances, solar ready or installed, micro-grid and water conserving fixtures and development. This is also incentivized under the CH zoning regulations.

Section 2-1 Conformance with the Adopted Comprehensive Plan

The proposed rezone is consistent with the San Miguel County's adopted Comprehensive Plan and found within the Telluride Regional Area as defined by the Future Land Use Map. This is also addressed in attachment 8b. and attachment B.

III. Future Land Use Elements, found on page 42 of the TRAMP states that the map, " is a depiction of how San Miguel County's Goals and Objectives for the Regional Area can be achieved. It is based upon mapping of the scenic foreground, a detailed physical analysis of the land and an evaluation of the community's ability to provide public facilities and services. The map indicates broad land use designations and portrays a somewhat idealistic concept for future land use. It is intended to serve as a general guide for future land use decisions. No attempt will be made to define exact boundaries between different land uses."

In 2006, the Telluride Regional Area Master Plan (TRAMP) Future Land Use Map was amended See illustration 1., below, to include a deed restricted employee housing overlay. A portion of the Alexander Property falls within this overlay.

Illustration 1. Future Land Use Map Amendment 12/13/06 from the TRAMP (p. 60 of 89)

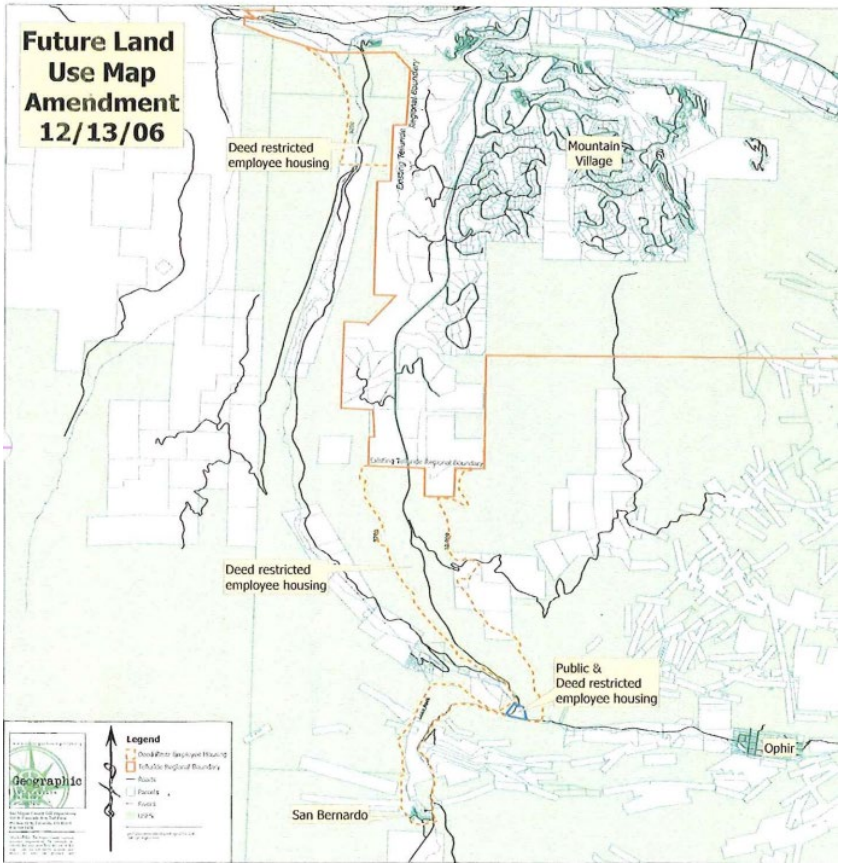
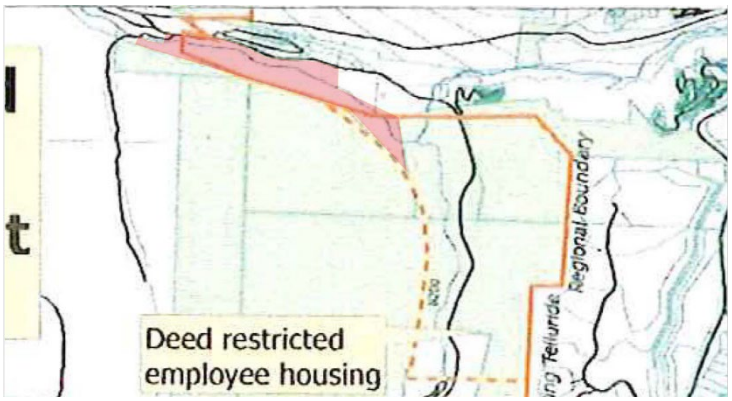


Illustration 2. Alexander Property Overlay on the 2006 map shown above



In addition, the following sections of the TRAMP further support deed restricted housing, "south of and adjacent to or in proximity to the Ilium Valley portion of the Lawson Hill PUD." The Alexander property meets this definition.

Section J. R-1 Housing, language states the following (p. 67 of 89, TRAMP)

> Expand the Telluride region to include additional lands, both public and private, that are south of and adjacent to or in proximity to the Ilium Valley portion of the Lawson Hill PUD.

Section K. Lawson Hill PUD, Ilium Valley (p. 67 of 89, TRAMP) was also amended to include the following language,

> This recommendation is being made because there is a need for additional affordable housing in the Telluride Region and because the Planning Commission believes that residential development at this location [Ilium Valley] would be more compatible with the existing adjacent residential neighborhood, Two Rivers, than industrial and commercial uses that may be allowed under the current zoning and land use designations."

An amendment to the TRAMP was expressly adopted in 2006 to consider additional deed restricted housing density in Ilium Valley including the Alexander Parcel, which is inclusive of, adjacent to and in proximity to the Ilium Valley portion of the Lawson Hill PUD and identified as an area for additional deed restricted housing.

Section 2-2 Comprehensive Planning

An update is currently in process with San Miguel County. With adoption of the CH zone district by Resolution 2021-038 and the 2006 TRAMP update, we don't envision a reduction of deed restricted housing opportunities and incentives but an expansion of them within county regulations and policies county wide and inclusive of possibly no change to the existing applicable supporting materials found within the San Miguel County Master Plan, Section 3 Telluride Regional Area Master Plan.

Section 2-3 Phasing of Public Services and Facilities

The rezone application contemplates zoning and changes in population densities consistent with the adopted Comprehensive Development Plan.

Section 2-4 Community Balance

The County's LUC is very thorough in its consideration of floodplain, wetlands, wildlife, geohazards, recreational opportunities, visual impacts and environmental regulations on a whole. We trust that at the development stage, many of these issues will be fleshed out as part of development review.

Section 2-5 Ski Area Development

N/A

Section 2-6 Compatibility with Existing Adjacent Neighborhoods

The Town of Mountain Village reached out to adjacent and existing neighbors, the Ilium Park Owners Association and the Two Rivers Owners Association, first by written communication, then by individual meetings and by invitation to our Community Housing Forum held on January 31, 2023. We will continue to engage our neighbors due to our shared concerns and to create compatible housing and resources that benefit the Ilium Valley. See regional communications timeline attachment G.

Section 2-7 Conformance with Other Laws

This code section is understood with a zoning application and relevant for review with a future development application.

Section 2-8 Natural and Man-Made Hazard and Resource Areas

Due to the pristine nature of the property, location to United States Forest Service lands, the historic galloping goose railroad grade, and county PUD development, the town engaged a consultant to perform an Environmental Assessment Level I & II so that we fully understood the conditions on the property. 1041 geohazards have been identified along with all the other environmental requirements of the SMCLUC and will be avoided, addressed, or mitigated with a development application.

Section 2-9 Soil, Surficial Geologic Characteristics and Radiation

Environmental conditions such as soil types, geological characteristics and historic uses have been identified on the property. Additional details regarding site conditions are appropriate with the next step of a development application.

Section 2-10 Drainage

Broad drainage patterns have been identified on the property. Drainage will be addressed with a future development application.

Section 2-11 Erosion

Erosion will be addressed with a future development application.

Section 2-212 Scenic Quality

Scenic quality will be addressed with a future development application. The property otherwise does not fall within a scenic foreground or scenic view plane. See scenic foreground and view planes see pdf map between pages 54 and 55, TRAMP.

Section 2-13 Air Quality

Not applicable as there is no underlying change to the property as part of a rezone application.

Section 2-14 Water Resources and Wetland Impacts

Wetlands have been identified and the provision of water for development would be permitted and augmented through legal processes. We recognize that the San Miguel River bisects the property as well as the associated floodplain and wetland regulations associated with protection of the waterway.

Section 2-15 Noise

Not applicable as there is no underlying change to the property as part of a rezone application.

Section 2-16 Wildlife Protection

The environmental assessment has referred to the Colorado Parks and Wildlife mapping as well as site observations of wildlife. No endangered species have been identified associated with this property. There are no underlying changes to the property as part of a rezone application. Wildlife protection would be identified as part of a future development application.

Section 2-17 Adequate Provision of Water

The town has been working with our water attorney and SGM Engineering & Bikis Water Consultants, a division of SGM. The Town has explored and confirmed the technical feasibility of co-locating, improving and expanding existing IPOA/Two Rivers HOA water facilities in cooperation and agreement with the IPOA. Co-locating facilities is our preferred means to provide adequate water while securing legal water to meet anticipated demands consistent with LUC Section 5-408.A, provided that an agreement can be reached with the IPOA. The town has also demonstrated that independent facilities can be achieved for physical and legal water. See expert letter at Exhibit F. No representations are being made as it relates to the IPOA/Two Rivers HOA assurance of such outcome associated with the CH zoning application. An independent feasibility analysis has been provided by the Town of Mountain Village as best practices supports use of existing facilities if and when possible.

Section 2-18 Sewage Treatment and Collection

As noted co-locating an upgraded package plan is the preferred way to manage waste associated with our application and consistent with LUC Section 5-408.A. Feasibility regarding a stand along package plant has also been demonstrated. Assuring adequate facilities will be demonstrated with a future development application. See expert letter at Exhibit F.

Section 2-19 Road System Impacts

Our traffic expert, Bechtolt engineering, has demonstrated that existing uses, rather than proposed uses, have already triggered necessary intersection safety upgrades. Beyond existing safety upgrades that are needed, no additional upgrades are triggered by our feasibility analysis related to traffic and impacts. See expert letter at Exhibit E.

Section 2-20 New Subdivision Roads

Not applicable as there is no underlying change to the property as part of a rezone application. New subdivision roads would be addressed with a future development application.

Section 2-21 Existing Subdivision Roads

We understand the affirmative statement to be addressed with a future development application.

Section 2-22 Road Design and Construction

Not applicable as there is no underlying change to the property as part of a rezone application. Road design and construction would be addressed with a future development application.

Section 2-23 Extension of Utilities

Not applicable as there is no underlying change to the property as part of a rezone application. Extension of utilities would be addressed with a future development application and are in immediate proximity to the property.

Section 2-24 Impacts on Taxes and management of Necessary Services and Facilities

We understand the affirmative statement of this section.

Section 2-25 Transportation

We understand this section and this would be further addressed with a future development application. As a point of reference the San Miguel Area Regional Transportation system serves Ilium Valley.

Section 2-26 Mass Transit

Mass transit exists currently to Ilium Valley. Future development means that additional taxes will be paid to support the regional transportation system.

Section 2-27 Compatibility with Agricultural Lands and Operations

N/A

Section 2-28 Compatibility with Historical and Archeological Resources

The section of the galloping goose railroad that runs through the Alexander Property is in private ownership. We understand the county would view this as a historical resource and with a future development application work to maintain public access. This would be addressed with a future development application.

Section 2-29 Housing

A rezone to Community Housing is addressing all the concerns stated by this section by creating housing for year round, local workforce, reduces commuting times, increases social stability and reduces resort community gentrification by creating a housing community in close proximity to high paying jobs and schools so that we all get to benefit by living close to where our children are being educated, our jobs, towns and our recreational opportunities.

Section 2-30 Energy Conservation

This is understood and will be addressed with a future development application. Most state and local grant funds for housing require energy conservation and sustainability efforts to be incorporated in future developments.

Section 2-31 Compatibility with adjacent or nearby public lands

Of the 56 acres only roughly 10-11 acres are developable due to site constraints inclusive of floodplain and necessary setbacks, wetlands and steep slopes. A significant buffer will be afforded between this property and adjacent public lands. This would be demonstrated with a future development application.

Section 2-32 Access to Public Lands

This section is relevant and understood.

Section 2-33 Private Lands Surrounded by Public Lands

N/A

Section 2-34 Revegetation with Native Species

N/A

Section 2-35 Mining and Mineral Processing Operations

N/A

Section 2-36 Code Enforcement

N/A

Section 2-37 Preserving the High Country Areas

N/A

Section 2-38 Wireless Services and Communications Facilities

N/A

Section 2-39 Preserving the Dark Night Sky

This will be addressed with a future development application.

SECTION 4-6, SPECIFICALLY 4-606, IDENTIFICATION OF 1041 ENVIRONMENTAL HAZARDS

IV. AREAS OF LOCAL AND STATE INTEREST / C.R.S. 1041 ENVIRONMENTAL HAZARD REVIEW (LUC SECTION 5-4)

For the purposes of rezoning, it is important for the Planning and Zoning Commission and Board of County Commissioners to understand any limitations relative to 1041 identified environmental hazards. A more in-depth review would occur with a future development application.

Each of these areas are described below and responses provided relative to the proposed Property for rezoning.

5-403 Floodplain Hazard Areas In addition to the development standards in 5-402 and the San Miguel County Floodplain Regulations (refer to Section 5-28), the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas later found to be in flood hazard areas. The parcel is bisected by the San Miguel River.

See exhibit 10 for a depiction of the mapped floodplain area.

5-404 Geologic Hazard Areas This section identifies development standards applicable to specific geologic hazard areas in addition to the general standards in Section 5-402. The following geohazards have been identified according to the environmental assessment prepared by Western Water & Land Inc.

- Slope Stability - *This refers to steep slopes, see slope study analysis that identifies slopes over 30%. See slope analysis at attachment 10. Site Utilization Map*
- Debris Flows - *Related to slope terrain this is a gravity driven hazard.*
- River Morphology
- Soils
- Mining Prospects

While no detailed geotechnical review has been completed for the purposes of this rezoning, the anticipated development pods, see Exhibit C Development Analysis Map, within which future development, avoids these steeper areas and provides buffering to existing vegetated areas. The preservation of vegetated slopes and avoidance of impact to steeper areas (30%) for residential development minimizes the potential issues related to slope stability, also reducing the cost to construct. A future site-specific development plan would address all relevant standards, including engineering and geotechnical conditions, as necessary. The geotechnical summary and conclusion are cited below:

Figure 1. Excerpt Summary and Conclusion Geohazard 1041 Report

9.0 SUMMARY AND CONCLUSIONS

A geohazard assessment was conducted at the Alexander Parcel for the Town of Mountain Village to support due diligence associated with potential purchase of the property. The property is a 56-acre parcel of montane forest bisected by the San Miguel River, approximately 1.2 miles west of Mountain Village.

The geohazard assessment consisted of desktop research and a field reconnaissance survey. Observations showed that several geohazards or potential geohazards exist at the property including: slope stability (associated with steep slopes), debris flows, river morphology, soils, and one mining prospect.

If human development is to occur on the Alexander Parcel, these geohazards can be mitigated to some degree through geotechnical investigations, geologic mapping and monitoring, and engineering controls.

(Geohazard Assessment Report, Alexander Parcel, Prepared by Western Water & Land, Inc. dated November 13, 2022.)

5-405 Historic and Archaeological Resource Areas. In addition to the development standards in 5-402, the standards in this section apply to development; changes in the amount or character of open space; exterior alteration or remodeling of any existing structure within the site, or any addition thereto; or the demolition or destruction of structures or buildings within the site.

There are no historic structures on the property; however the historic railroad grade is a historic asset. As this is a proposed rezoning, this is not applicable at this stage, but could be discussed with a future development application.

4-506 Wildfire Areas. The County's adopted wildfire maps or on densely vegetated slopes in excess of 30 percent shall comply with the standards in this section.

The proposed area for rezoning is identified as **MODERATE** for fire hazard risk in the 2018 San Miguel County All-Hazards Mitigation Plan. All areas that are densely wooded on slopes more than 30% are not developable. Refer to Exhibit C Development Analysis Map and attachment 10. Site Utilization Map, for conceptual slope and development analysis avoiding slopes over 30%.

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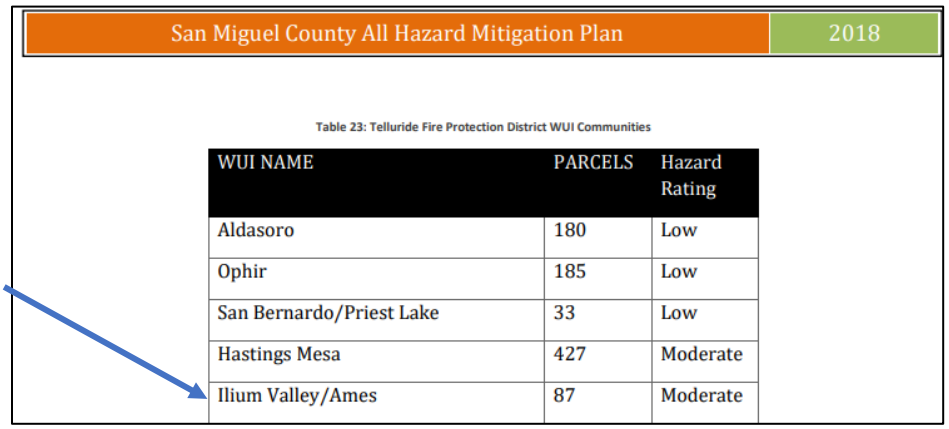
Figure 2. Excerpt from the 2018 San Miguel All Hazard Mitigation Plan.
Table 23: Telluride Fire Protection District WUI Communities



San Miguel County All Hazard Mitigation Plan 2018

Table 23: Telluride Fire Protection District WUI Communities

WUI NAME	PARCELS	Hazard Rating
Aldasoro	180	Low
Ophir	185	Low
San Bernardo/Priest Lake	33	Low
Hastings Mesa	427	Moderate
Ilium Valley/Ames	87	Moderate

We recognize that the 2018 All Hazard Mitigation Plan is currently being revised by San Miguel County.

5-407 Wildlife Habitat Areas. This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

A wildlife assessment report was provided by Western Water and Land, LLC, some potential areas of wildlife habitat are indicated relying on the CPW data and USFWS along with field observations. As outlined in Section 5-407A of the LUC, the standards for addressing potential wildlife habitat issues include requiring clustering, minimizing the removal of vegetation, and other detailed measures. Addressing these standards in detail would be required during a development review process for a specific design program.

Typical animals were identified, and no endangered animals or plants were identified associated with the property. See table below:

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Table 1. Excerpt from the WW & L Wildlife Assessment Report

Table 1. Common names of some of the species observed or indicated during the onsite survey. Not all species listed are likely to occupy the site year around and many species not listed are likely to occupy or use the site during different seasons or different times of day. The abbreviation "spp." stands for species.

Mammals	Avian	Shrubs, forbs, and grasses	Trees
Elk	Cliff Swallow	Willow spp.	Blue Spruce
Mule Deer	Steller Jay	Common chokecherry	Douglas Fir
Pine Squirrel	Mtn. Chickadee	Common mullein	Aspen
Cotton-tail Rabbit	Lesser Goldfinch	Common snowberry	Juniper spp.
Beaver	Raven	Sweet violet	Narrow leaf cottonwood
Mice or Vole spp.	Dark Eyed Junco	Common yarrow	Water birch
	Northern Flicker	Elkweed	Ponderosa Pine
	American Crow	Woodland Strawberry	Arizona Cypress
		Indian paintbrush	
		Barberry spp.	
		Common Daisy	
		Schreber's big red stem moss	
		Mountain muhly	
		Fendler's or Tall meadow-rue	
		False solomon's seal	
		Western serviceberry	
		Brome spp.	

5-408. Domestic Water and Sewage Treatment Systems

The town intends to comply with 5-408.A. and seek cooperatively to utilize the existing treatment plants and improve the systems of adjacent communities (already found in Ilium Valley). Where there is mutual benefit, both parties will proceed with discussions. The specific plan will be provided with a future development application. See Exhibit F, Expert Letter provided by SGM & Bikis Water Consultants, a division of SGM. A shared facility and a stand-alone facility has been analyzed for the purposes of development.

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

February 3, 2023

Michelle Haynes Via email: MHaynes@mtnvillage.org
Paul Wisor Via email: PWisor@mtnvillage.org

Re: Pre-application Conference Summary: Rezoning portions of the San Miguel Placer 2068 LSMMD and Valley Placer 15120 LSMMD Mining Claims in T43 R10, Parcel No. 456336200028 (Alexander Ranch LLLP, owner) to Community Housing (CH)

Dear Michelle and Paul,

The purpose of this correspondence is to serve as a Pre-application Conference Summary, based on our meeting of January 19, and in accordance with San Miguel County Land Use Code (LUC) Section 4-207 A. It is proposed to rezone of a portion of the subject property to the Community Housing (CH) Zone District, LUC Section 5-324, pursuant to the review standards in Land Use Code Section 5-18 Land Use Code Amendments and Rezoning. It is expected that the property will be the subject of a forthcoming separate submission and review of a Subdivision Exemption Plat, in accordance with LUC Section 5-1203 Lot Line Adjustments, to align parcel lines with the proposed zone district boundaries. It is expected that the Lot Line Adjustment will occur at an earlier date; the Lot Line Adjustment application does not have to be submitted and reviewed concurrently with the Rezone application. When you are ready to proceed with development of the property, we would hold another pre-application meeting to discuss your plans.

LUC Section 4-2 contains the minimum submission requirements for all applications. Sections 4-210 Revegetation Plan, and 4-211 Weed Control Plan, are not applicable to the Rezone. Those items would be addressed in the actual development plan. LUC Section 4-212 Employee Housing Mitigation Plan is also not applicable, as the Community Housing zone district specifies that dwelling units constructed in that district are subject to the County's R-1 Housing Deed Restriction.

<u>Rezone</u>
Rezoning is identified in LUC Section 5-1803 and Section 3-601 E as a development application subject to Two-step Review, i.e., review and recommendation at a public

meeting by the Planning Commission (CPC) and Public Hearing review and action at a public hearing by Board of County Commissioners (BOCC). Key materials in the application would be a narrative explaining how the standards of LUC Section 5-1803 A can be met, and any supporting studies, reports and maps. In addition to the rezoning standards, applicable policies in LUC Article 2 Land Use Policies, and the Telluride Regional Area Master Plan Section of the County Comprehensive Development Plan will be considered. Concerns that must be addressed include water to serve the proposed development (quality, quantity, reliability), wastewater treatment, access/transportation, floodplain and geotechnical hazards, and wetlands.

LUC Article 2:
https://www.sanmiguelcountyco.gov/DocumentCenter/View/211/Article-2---Land-Use-Policies--Updated-722-PDF

Telluride Regional Area Master Plan:
https://www.sanmiguelcountyco.gov/DocumentCenter/View/223/Section-3---Telluride-Regional-Area-Master-Plan-PDF

Submission Requirements

*See Attached **Submission Requirements***

Review Standards

*See Attached **Review Standards***

Scheduling of Application Consideration

Please submit one paper copies 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. We may request additional paper copies if it is determined to be the best method to transmit the application to the Planning Commission and Board of County Commissioners. The Planning Department can then schedule the application for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date.

Payment of $1135 for the Rezone to San Miguel County must accompany the application for it to be considered complete (in accordance with Board of County Commissioners Resolution 2023-02). The applicant is responsible for reimbursement of all copy fees and County Designated Engineer review fees, which includes the initial review and any revisions.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Parks and Open Space Director, County Sheriff, County Building Official, County Environmental Health Specialist, County Surveyor, San Miguel Authority for Regional Transportation, San Miguel Regional Housing Authority, Telluride Fire Protection District, Telluride R-1 School

District, Town of Telluride, Town of Mountain Village, Black Hills Energy, San Miguel Power Association, Colorado Department of Transportation, Colorado Parks and Wildlife, and US Forest Service. In addition, Ilium Property Owners Association, Two Rivers Homeowners Association (HOA), will receive referrals. Other referrals will be determined upon receipt of the application.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500-foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to, all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezoning, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property of the pending application. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner *not less than thirty (30) days* before the date scheduled for the initial public meeting by San Miguel County.

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

Sincerely,

John Huebner

John Huebner, Senior Planner

SUBMISSION REQUIREMENTS - REZONING

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 which 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.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards - Rezoning

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Meets any applicable Sections of the Land Use Code;

II. Is consistent with the San Miguel County Comprehensive Development Plan;

III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

V. Would not result in significant adverse impacts on the natural environment;

VI. Would not be in conflict with the public interest; and

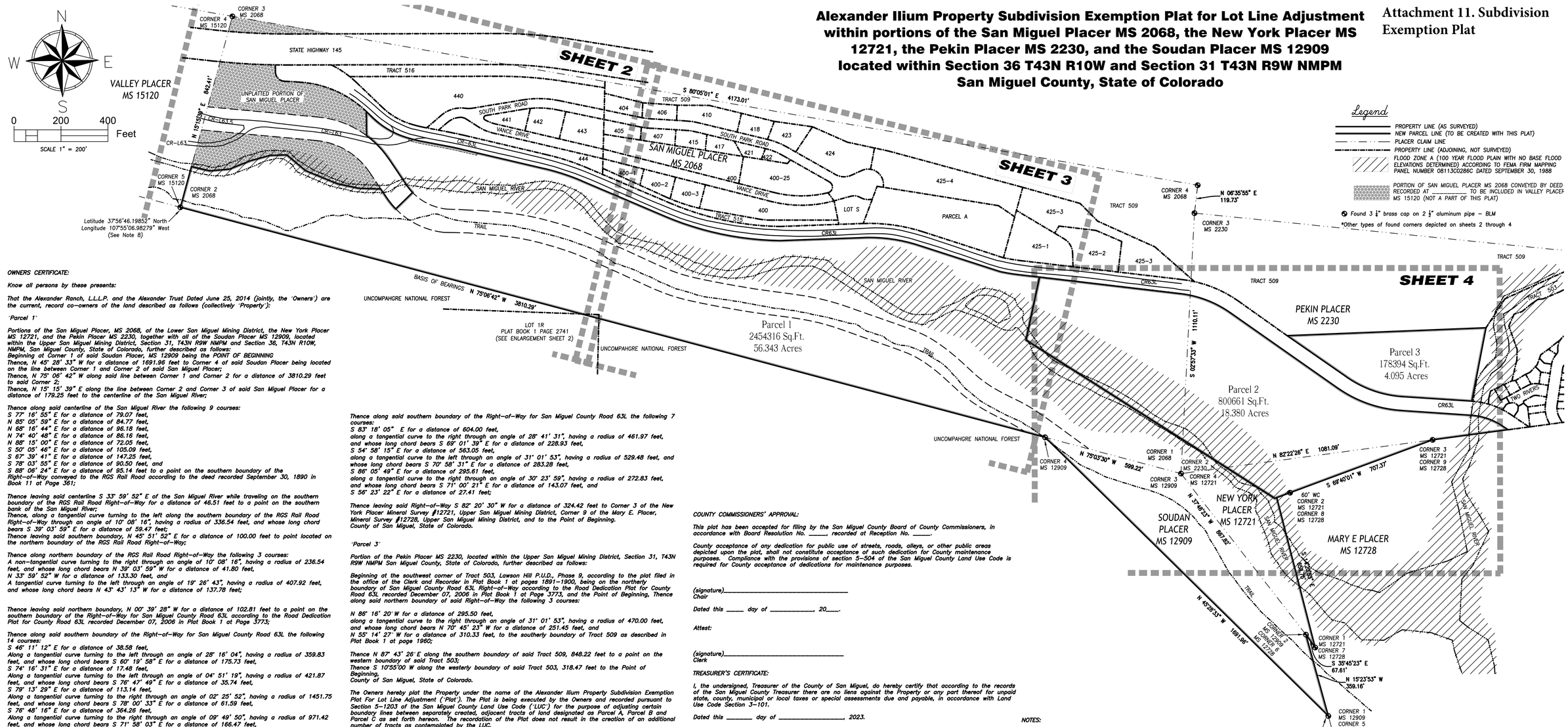
VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

Alexander Ilium Property Subdivision Exemption Plat for Lot Line Adjustment within portions of the San Miguel Placer MS 2068, the New York Placer MS 12721, the Pekin Placer MS 2230, and the Soudan Placer MS 12909 located within Section 36 T43N R10W and Section 31 T43N R9W NMPM San Miguel County, State of Colorado

Attachment 11. Subdivision Exemption Plat



OWNERS CERTIFICATE:

Know all persons by these presents:

That the Alexander Ranch, L.L.L.P. and the Alexander Trust Dated June 25, 2014 (jointly, the "Owners") are the current, record co-owners of the land described as follows (collectively "Property"):

"Parcel 1"

Portions of the San Miguel Placer, MS 2068, of the Lower San Miguel Mining District, the New York Placer MS 12721, and the Pekin Placer MS 2230, together with all of the Soudan Placer MS 12909, located within the Upper San Miguel Mining District, Section 31, T43N R9W NMPM and Section 36, T43N R10W, NMPM, San Miguel County, State of Colorado, further described as follows:
Beginning at Corner 1 of said Soudan Placer, MS 12909 being the POINT OF BEGINNING
Thence, N 45° 28' 33" W for a distance of 1681.98 feet to Corner 4 of said Soudan Placer being located on the line between Corner 1 and Corner 2 of said San Miguel Placer;
Thence, N 75° 06' 42" W along said line between Corner 1 and Corner 2 for a distance of 3810.29 feet to said Corner 2;
Thence, N 15° 15' 39" E along the line between Corner 2 and Corner 3 of said San Miguel Placer for a distance of 179.25 feet to the centerline of the San Miguel River;

Thence along said centerline of the San Miguel River the following 9 courses:
S 77° 16' 55" E for a distance of 79.07 feet,
N 85° 05' 59" E for a distance of 84.77 feet,
N 68° 16' 44" E for a distance of 96.18 feet,
N 74° 40' 48" E for a distance of 86.16 feet,
N 88° 15' 00" E for a distance of 72.05 feet,
S 50° 05' 46" E for a distance of 105.09 feet,
S 67° 39' 41" E for a distance of 147.25 feet,
S 78° 03' 55" E for a distance of 90.50 feet, and
S 88° 06' 24" E for a distance of 95.14 feet to a point on the southern boundary of the Right-of-Way conveyed to the RGS Rail Road according to the deed recorded September 30, 1890 in Book 11 at Page 361;

Thence leaving said centerline S 33° 59' 52" E of the San Miguel River while traveling on the southern boundary of the RGS Rail Road Right-of-Way for a distance of 46.51 feet to a point on the southern bank of the San Miguel River;
Thence, along a tangential curve turning to the left along the southern boundary of the RGS Rail Road Right-of-Way through an angle of 10° 08' 16", having a radius of 336.54 feet, and whose long chord bears S 39° 03' 59" E for a distance of 59.47 feet;
Thence leaving said southern boundary, N 45° 51' 52" E for a distance of 100.00 feet to point located on the northern boundary of the RGS Rail Road Right-of-Way;

Thence along northern boundary of the RGS Rail Road Right-of-Way the following 3 courses:
A non-tangential curve turning to the right through an angle of 10° 08' 16", having a radius of 236.54 feet, and whose long chord bears N 39° 03' 59" W for a distance of 41.80 feet,
N 33° 59' 52" W for a distance of 133.30 feet, and
A tangential curve turning to the left through an angle of 19° 26' 43", having a radius of 407.92 feet, and whose long chord bears N 43° 43' 13" W for a distance of 137.78 feet;

Thence leaving said northern boundary, N 00° 39' 28" W for a distance of 102.81 feet to a point on the southern boundary of the Right-of-Way for San Miguel County Road 63L according to the Road Dedication Plat for County Road 63L recorded December 07, 2006 in Plat Book 1 at Page 3773;

Thence along said southern boundary of the Right-of-Way for San Miguel County Road 63L the following 14 courses:
S 46° 11' 12" E for a distance of 38.58 feet,
Along a tangential curve turning to the left through an angle of 28° 16' 04", having a radius of 359.83 feet, and whose long chord bears S 60° 19' 58" E for a distance of 175.73 feet,
S 74° 16' 31" E for a distance of 17.48 feet,
Along a tangential curve turning to the left through an angle of 04° 51' 19", having a radius of 421.87 feet, and whose long chord bears S 76° 47' 49" E for a distance of 35.74 feet,
S 79° 13' 29" E for a distance of 113.14 feet,
Along a tangential curve turning to the right through an angle of 02° 25' 52", having a radius of 1451.75 feet, and whose long chord bears S 78° 00' 33" E for a distance of 61.59 feet,
S 76° 48' 16" E for a distance of 364.26 feet,
Along a tangential curve turning to the right through an angle of 09° 49' 50", having a radius of 971.42 feet, and whose long chord bears S 71° 58' 03" E for a distance of 166.47 feet,
S 66° 56' 56" E for a distance of 386.44 feet,
Along a tangential curve turning to the left through an angle of 22° 07' 38", having a radius of 1302.50 feet, and whose long chord bears S 78° 03' 00" E for a distance of 499.90 feet to a point of intersection with a non-tangential line,
N 87° 57' 04" E for a distance of 357.63 feet,
Along a tangential curve turning to the right through an angle of 19° 55' 46", having a radius of 680.89 feet, and whose long chord bears S 82° 05' 03" E for a distance of 235.64 feet,
S 72° 06' 47" E for a distance of 353.47 feet,
Along a non-tangential curve turning to the left through an angle of 05° 47' 09", having a radius of 802.15 feet, and whose long chord bears S 80° 24' 30" E for a distance of 80.97 feet to a point of intersection with a non-tangential line, and
S 83° 18' 05" E for a distance of 90.14 feet to a point on the western boundary of the leased property described in the Memorandum of Lease recorded January 12, 1999 under Reception No. 323652;

Thence along said western lease boundary, S 12° 05' 25" W for a distance of 274.03 feet;
Thence continuing along said lease boundary, S 57° 32' 00" E for a distance of 1255.80 feet;
Thence continuing along said lease boundary, N 69° 09' 23" E distance of 9.18 feet to Corner 2 of said New York Placer, MS 12721 also being Corner 8 of the Mary E. Placer, MS 12728, both of the Upper San Miguel Mining District;
Thence leaving said lease boundary, S 14° 20' 53" E for a distance of 658.75 feet to Corner 1 of said New York Placer, MS 12721 also being Corner 7 of the Mary E. Placer, MS 12728;
Thence, N 35° 45' 23" W along the Line between Corner 1 and Corner 4 of said New York Placer for a distance of 67.61 feet to Corner 2 of said Soudan Placer, MS 12909 also being Corner 6 of the Mary E. Placer, MS 12728;
Thence S 15° 23' 53" E a distance of 359.16 feet Corner 1 of said Soudan Placer, MS 12909 being the POINT OF BEGINNING;
San Miguel County, State of Colorado

"Parcel 2"

Portions of the San Miguel Placer, MS 2068 of the Lower San Miguel Mining District, the New York Placer MS 12721, and the Pekin Placer MS 2230, located within the Upper San Miguel Mining District, Section 31, T43N R9W NMPM San Miguel County, State of Colorado, further described as follows:

Beginning at Corner 9, Mary E. Placer, Mineral Survey #12728, Upper San Miguel Mining District and being monumented by a 3¼" aluminum cap on a 2½" aluminum post and stamped Corner 9, MS 12728, BLM 1977; thence S 69° 40' 01" W along Line 9-8 of said Mary E. Placer, 647.37 feet to a witness corner monument to Corner 8 of said Mary E. Placer, being a 3¼" aluminum cap on a 2½" aluminum post and stamped 60° WC Corner 8, MS 12728, BLM 1977;
Thence continuing S 69° 40' 01" W, 60.00 feet to Corner 8, said Mary E. Placer;
Thence S 69° 09' 23" W, 9.18 feet;
Thence N 57° 32' 00" W 1255.80 feet;
Thence N 12° 05' 25" E 274.03 feet to the southerly boundary of the right-of-way for San Miguel County Road 63L according to the Road Dedication Plat for County Road 63L recorded December 07, 2006 in Plat Book 1 at Page 3773;

Thence along said southern boundary of the Right-of-Way for San Miguel County Road 63L the following 7 courses:
S 83° 18' 05" E for a distance of 604.00 feet,
along a tangential curve to the right through an angle of 28° 41' 31", having a radius of 461.97 feet, and whose long chord bears S 69° 01' 39" E for a distance of 228.93 feet,
S 54° 58' 15" E for a distance of 563.05 feet,
along a tangential curve to the left through an angle of 31° 01' 53", having a radius of 529.48 feet, and whose long chord bears S 70° 58' 31" E for a distance of 283.28 feet,
S 86° 05' 49" E for a distance of 295.61 feet,
along a tangential curve to the right through an angle of 30° 23' 59", having a radius of 272.83 feet, and whose long chord bears S 71° 00' 21" E for a distance of 143.07 feet, and
S 56° 23' 22" E for a distance of 27.41 feet;

Thence leaving said Right-of-Way S 82° 20' 30" W for a distance of 324.42 feet to Corner 3 of the New York Placer Mineral Survey #12721, Upper San Miguel Mining District, Corner 9 of the Mary E. Placer, Mineral Survey #12728, Upper San Miguel Mining District, and to the Point of Beginning.
County of San Miguel, State of Colorado.

"Parcel 3"

Portion of the Pekin Placer MS 2230, located within the Upper San Miguel Mining District, Section 31, T43N R9W NMPM San Miguel County, State of Colorado, further described as follows:

Beginning at the southwest corner of Tract 503, Lawson Hill P.U.D., Phase 9, according to the plat filed in the office of the Clerk and Recorder in Plat Book 1 at pages 1891-1900, being on the northerly boundary of San Miguel County Road 63L Right-of-Way according to the Road Dedication Plat for County Road 63L recorded December 07, 2006 in Plat Book 1 at Page 3773, and the Point of Beginning, Thence along said northern boundary of said Right-of-Way the following 3 courses:

N 86° 16' 20" W for a distance of 295.50 feet,
along a tangential curve to the right through an angle of 31° 01' 53", having a radius of 470.00 feet, and whose long chord bears N 70° 45' 23" W for a distance of 251.45 feet, and
N 55° 14' 27" W for a distance of 310.33 feet, to the southerly boundary of Tract 509 as described in Plat Book 1 at page 1960;

Thence N 87° 43' 26" E along the southern boundary of said Tract 509, 848.22 feet to a point on the western boundary of said Tract 503;
Thence S 10°55'00" W along the westerly boundary of said Tract 503, 318.47 feet to the Point of Beginning,
County of San Miguel, State of Colorado.

The Owners hereby plat the Property under the name of the Alexander Ilium Property Subdivision Exemption Plat For Lot Line Adjustment ("Plat"). The Plat is being executed by the Owners and recorded pursuant to Section 5-1203 of the San Miguel County Land Use Code ("LUC") for the purpose of adjusting certain boundary lines between separately created, adjacent tracts of land designated as Parcel A, Parcel B and Parcel C as set forth hereon. The recordation of the Plat does not result in the creation of an additional number of tracts as contemplated by the LUC.

The Owners hereby grant and convey a perpetual, non-exclusive 60' access and utility easement to San Miguel County, Colorado for the perpetual use of the public of a section of roadway as shown and labeled hereon as the 60' Access and Utility Easement.

IN WITNESS WHEREOF, the Owners have executed this Plat for the purposes stated herein, which is intended to be made effective as of _____, 2023

The Alexander Trust Dated June 25 2014

By: _____

Printed Name and Title: _____

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 2023 by _____ as the _____ of The Alexander Trust Dated June 25 2014.

Witness my hand and seal.

_____ _____ My commission expires: _____
Notary Public

Alexander Ranch L.L.L.P.

By: _____

Printed Name and Title: _____

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 2023 by _____ as the _____ of the Alexander Ranch L.L.L.P.

Witness my hand and seal.

_____ My commission expires:_____Notary Public

COUNTY COMMISSIONERS' APPROVAL:

This plat has been accepted for filing by the San Miguel County Board of County Commissioners, in accordance with Board Resolution No. _____, recorded at Reception No. _____.

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5-504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

(signature)_____
Chair

Dated this _____ day of _____, 20____.

Attest:

(signature)_____
Clerk

TREASURER'S CERTIFICATE:

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the Property or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 5-1101.

Dated this _____ day of _____, 2023.

_____
San Miguel County Treasurer

TITLE INSURANCE COMPANY CERTIFICATE:

Land Title Guarantee Company does hereby certify that we have examined the title to the Property and that the title to this land is in the name of the Alexander Ranch, L.L.L.P. and the Alexander Trust Dated June 25, 2014. The Property is free of all liens and taxes, except as follows:

_____
Title Insurance Company Representative

CLERK AND RECORDER'S CERTIFICATE:

This Plat was filed for in the Office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20_____ A.D. in
Reception No. _____,
Time _____.

_____
San Miguel County Clerk

LAND SURVEYOR'S CERTIFICATE:

I, David R. Bulson for, and on behalf of, Bulson Surveying being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of ALEXANDER ILIUM PROPERTY SUBDIVISION EXEMPTION PLAT FOR LOT LINE ADJUSTMENT was made by me or under my responsible charge in compliance with the applicable provisions of the San Miguel County Land Use Code and Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief. I further certify that all monuments were set in the ground as required by San Miguel County Land Use Code section 5-1203 and Article 51 of Title 38, C.R.S.

_____
P.L.S. No. 37662 Date

NOTES:

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

2. Easement research according to Land Title Guarantee Company, Order Number ABS86013081-5 dated January 23, 2023 at 5:00 P.M.

3. Portions of the Land does lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency ("FEMA"). According to the Flood Insurance Rate Maps for San Miguel County, Colorado, Community Panel 08113C0287D, dated 09/30/1992 this property lies in Zone X, areas determined to be outside of the 500 year flood plain and in Zone A, areas of 100 year flood with no base elevations determined

4. BASIS OF BEARINGS. All bearings are grid bearings of the Colorado State Plane Coordinate System, South Zone, North American Datum 1983. The bearing of the line between Corner 1 of MS 2068 and Corner 4 of MS 12929, monuments as described and depicted hereon, is N 75° 06' 42" W.

LINEAL UNITS. All units of distance are noted in US Survey Feet, or decimal portion thereof.

5. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

6. NOTES OF CLARIFICATION:

A) The Configuration pf the following lots, tracts, and right-of-way have been modified by this plat:

none

B) The following parcels have been created by this plat:

Parcel 1, Parcel 2 and Parcel 3

C) The following lots have been deleted by this plat:

none

7. DEED OF TRUST/LENDER CONSENT: The Property is not encumbered by a lien or other encumbrance; therefore, no lender consent is required.

8. WGS84 Geodetic Positions noted are derived by reference to Mesa County Real Time Virtual Reference Network corrections.

9. The Historic RGS Right of Way between stations 1933+82.7 and 1940+36.6 as depicted on the Rio Grande Southern Right of Way mapping on file with the San Miguel County Surveyor was determined by the existing earthen abutments shown hereon. There are two abutments on the south side of the river. The westerly of these two abutments closely matches the alignment and bridge structure dimensions from the RGS Right of Way mapping and was therefore used for this analysis.

10. The Plat of Lot 1R recorded in the San Miguel County Clerk and recorder's office at Plat Book 1 at page 2741 depicts an area of deed overlap with the San Miguel Placer, M.S. 2068 of the Lower San Miguel Mining District. This area of overlap was measured as 647 sq.ft. as depicted hereon. The US Government Patent for the San Miguel Placer, recorded in the San Miguel County Clerk and Recorder's Office at Book 52 at page 133 included this overlap area in the San Miguel Placer chain of title, and as such, this 647 sq.ft. is being included within the area of Parcel 1.

Alexander Family
TBD County Road 63L
San Miguel County
State of Colorado

Subdivision Exemption for Lot Line Adjustment
Portions of the San Miguel Placer (MS 2062), Pekin Placer (MS 2230), Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM

May 2, 2023

PROJECT NUMBER 22045
Sheet 1 of 4

BULSON SURVEYING

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PORTION OF SAN MIGUEL PLACER MS 2068
CONVEYED BY DEED RECORDED AT _____
TO BE INCLUDED IN VALLEY PLACER MS 15120
(NOT A PART OF THIS PLAT)

N E S W

0 60 120 Feet

SCALE 1" = 60'

CORNER 4
MS 15120

CORNER 3
MS 2068

(ALEXANDER RANCH LLLP)
(TAX ID: R1040090020)
NOT A PART OF THIS PLAT

STATE HIGHWAY 145

TRACT 516

TRACT 509

404

405

440

441

442

443

444

400-1

SOUTH PARK ROAD

VANCE DRIVE

VALLEY PLACER MS 15120
(ALEXANDER RANCH LLLP)
(TAX ID: R1040090020)

UNPLATTED PORTION OF SAN MIGUEL PLACER
(ALEXANDER RANCH LLLP)
(TAX ID: R1040090020)
NOT A PART OF THIS PLAT

S 46°11'12" E 38.56'

L=177.53'
R=359.83'
DELTA=28°16'04"
CH=175.73'
CB=S 60°19'58" E

S 74°16'31" E 17.48'

L=35.75'
R=421.87'
DELTA=4°51'19"
CH=35.74'
CB=S 75°47'49" E

S 79°13'29" E 113.14'

L=61.60'
R=1451.75'
DELTA=2°25'52"
CH=61.59'
CB=S 78°00'33" E

S 76°48'16" E 364.26'

L=166.67'
R=971.42'
DELTA=9°49'50"
CH=166.47'
CB=S 71°58'03" E

S 66°56'56" E 386.44'

COUNTY ROAD 63L
(SAN MIGUEL COUNTY)

N 00°36'26" W 102.81'

N 84°52'13" W 57.47'

L=66.91'
N 64°52'32" E
11.33'

N 88°01'39" E 49.63'

N 64°52'32" E 83.02'

L=80.05'

N 88°01'39" E 62.14'

60' ACCESS AND UTILITY EASEMENT

10.00'

10.00'

293.44'

70.92'

EASEMENT #2
PER BOOK 536
AT PAGE 794

(SAN MIGUEL COUNTY)
HISTORIC RGS RAILROAD RIGHT OF WAY
ACCORDING TO BOOK 11, PAGE 361 BOOK 54,
PAGE 484
NOT A PART OF THIS PLAT

COUNTY ROAD L63

COUNTY ROAD L63.5

PC 1933+82.7

L=317.00'
R=357.92'

L=138.44'
R=407.92'
DELTA=19°26'43"
CH=137.78'
CB=N 43°43'13" W

RGS RAILROAD
BRIDGE EARTHERN
ABUTMENT (SEE
NOTE 9)

PT 1935+61

N 33°59'51" W
133.30'

SAN MIGUEL RIVER

STEEL TRESTLE
BRIDGE

N 32°05'31" E 126.36'

S 32°05'31" W 126.36'

(ALEXANDER RANCH LLLP)
(TAX ID: R1040090020)
NOT A PART OF THIS PLAT

N 88°15'00" E 72.05'

S 30°08'46" W 105.08'

N 74°40'48" E 86.48'

S 67°39'41" E 147.25'

S 78°03'55" E 90.50'

S 85°06'24" E 95.14'

N 85°16'44" E 96.16'

N 85°05'59" E 94.77'

S 5°34'16" E 78.07'

N 15°45'39" E 663.17'

S 33°59'51" E 46.51'

L=59.55'
R=336.54'
DELTA=10°08'16"
CH=59.47'
CB=S 39°03'59" E

PC 1947+48.5

L=50.79'
R=286.54'

END RR CURVE

N 45°51'52" E 100.00'

L=41.85'
R=236.54'
DELTA=10°08'16"
CH=41.80'
CB=N 39°03'59" W

RGS RAILROAD
BRIDGE EARTHEN
ABUTMENT (SEE
NOTE 9)

L=198.65'
R=286.54'

CENTERLINE OF
HISTORIC RGS
RAILROAD ROW

PT 1949+36.61

100.0'

HISTORIC RGS RAILROAD
RIGHT OF WAY ACCORDING
TO BOOK 11, PAGE 361
BOOK 54, PAGE 484
BOOK 478, PAGE 934
RECEPTION NUMBER 363067

APPROXIMATE FLOOD ZONE A
(100 YEAR FLOOD PLAIN
WITH NO BASE FLOOD
ELEVATIONS DETERMINED)
ACCORDING TO FEMA FIRM
MAPPING PANEL NUMBER
08113C0286C DATED
SEPTEMBER 30, 1988

25' WITNESS
CORNER

VALLEY PLACER MS 15120
(ALEXANDER RANCH LLLP)
(TAX ID: R1040090020)

N 15°15'39" E 179.25'

TRAIL

TRAIL

CORNER 5
MS 15120

CORNER 2
MS 2068

UNCOMPAHGRE NATIONAL FOREST

Parcel 1
2454316 Sq.Ft.
56.343 Acres

BASIS OF BEARINGS
S 75°06'42" E 3810.29'

LOT 1R DEED OVERLAP
PLAT BOOK 1 PAGE 2741
(SEE ENLARGEMENT AT
LEFT AND NOTE 10)

LOT 1R
PLAT BOOK 1
PAGE 2741

ENLARGED VIEW
(1"=10')

PARCEL 1

CORNER 2
MS 2068
USFS

1767.03'

S 87°52'25" E 2.71'

S 87°57'06" E 75.23'

EAST ¼
CORNER
SECTION 36
T43N R10W

77.38'

S 75°06'42" E 3810.29'
BASIS OF BEARINGS
(CORNER 2 TO CORNER 1, MS 2068)

AREA OF DEED OVERLAP
(647 SQ.FT.)
SEE NOTE 10

S 01°21'20" W 17.26'

N 01°21'20" E 0.65'

1965.89'

CORNER 4
MS 12909

USFS

LOT 1R
(PLAT BOOK 1 PAGE 2741)

- SET 18" LONG #5 REBAR AND 1 1/2" ALUMINUM CAP L.S. 37662
- FOUND #5 REBAR AND 1 1/2" ALUMINUM CAP L.S. 24954
- FOUND 3 ¼" BRASS CAP ON 2 ½" ALUMINUM PIPE – BLM
- EXISTING WELL
- EXISTING TRANSFORMER
- SANITARY MANHOLE
- DECREED WELL LOCATION (NOT INSTALLED) DWR CASE NO. 93CW163

- PROPERTY LINE (AS SURVEYED)
- PLACER CLAIM LINE
- PROPERTY LINE (ADJOINING, NOT SURVEYED)
- RGS ROW (NOT SURVEYED)
- UTILITY EASEMENT (AS NOTED)
- EDGE OF WATER (AUGUST 15, 2022)
- EXISTING TRAIL
- BURIED ELECTRIC LINE
- SANITARY SEWER LINE
- WATER LINE
- BURIED FIBER OPTIC
- BURIED NATURAL GAS LINE
- BURIED COMMUNICATIONS (TELEPHONE/FIBER/CABLE)

FLOOD ZONE A (100 YEAR FLOOD PLAIN WITH NO BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO FEMA FIRM MAPPING PANEL NUMBER 08113C0286C DATED SEPTEMBER 30, 1988

Alexander Family
TBD County Road 63L
San Miguel County
State of Colorado

May 2, 2023

PROJECT NUMBER 22045
Sheet 2 of 4

Subdivision Exemption for Lot Line Adjustment

Portions of the San Miguel Placer (MS 2062), Pekin Placer (MS 2230), Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM

BULSON SURVEYING

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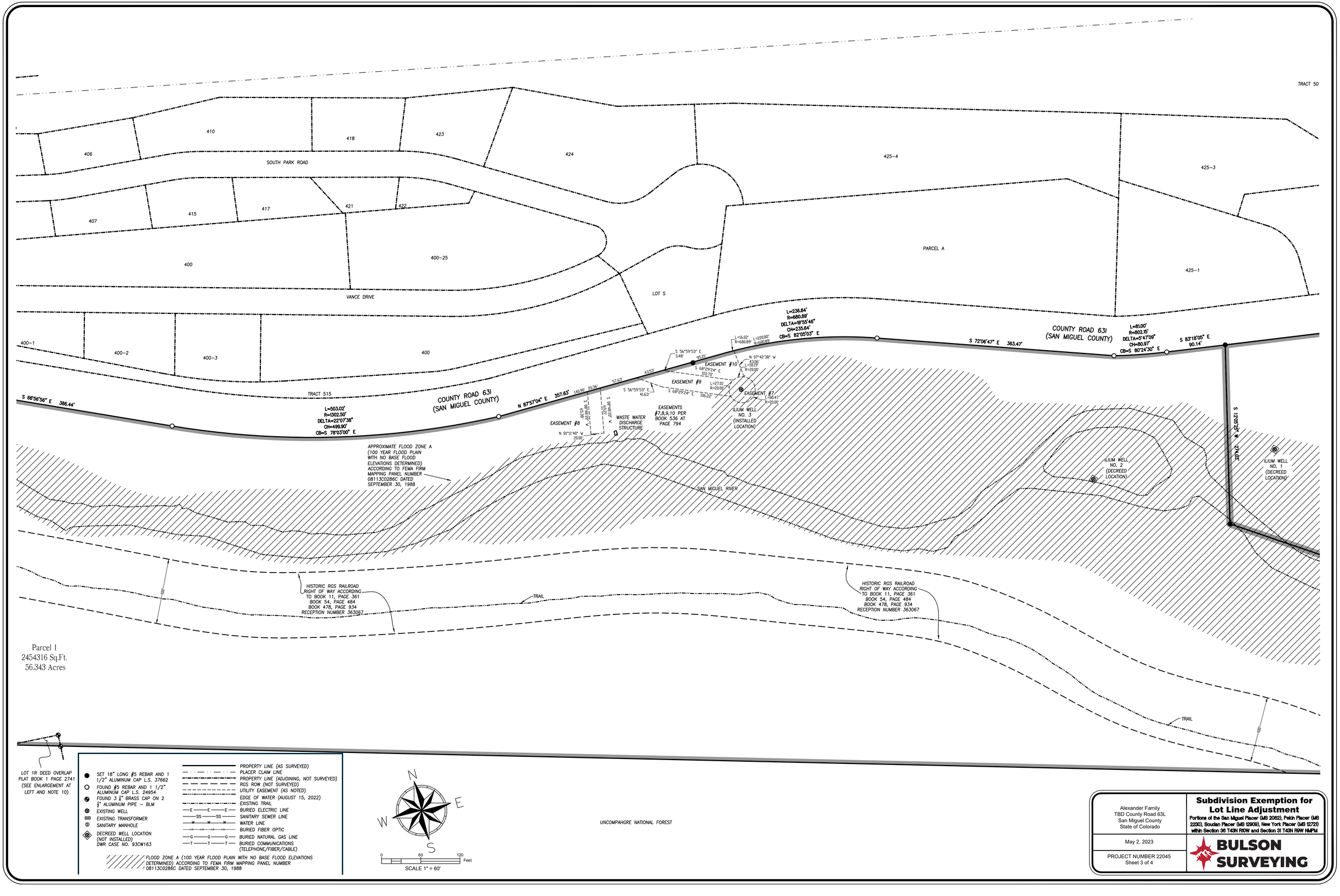

Alexander Family
TBD County Road 63L
San Miguel County
State of Colorado

May 2, 2023

PROJECT NUMBER 22045
Sheet 3 of 4

Subdivision Exemption for Lot Line Adjustment

Portions of the San Miguel Placer (MS 2062), Pekin Placer (MS 2230), Soudan Placer (MS 12309), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM

BULSON SURVEYING

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COUNTY ROAD 63I
(SAN MIGUEL COUNTY)

S 83°18'05" E 604.00'

L=231.34'
R=461.97'
DELTA=28°41'37"
CH=228.83'
CB=S 69°01'39" E

N 55°14'27" W 25.18'

TRACT 509
PLAT BOOK 1 PAGE 1960
(ILIUM PARK OWNERS ASSOCIATION)
(TAX ID: R1030096500)

S 54°58'15" E 583.05'

N 55°14'27" W 310.33'

TRACT 503
PLAT BOOK 1 PAGE 3735
(SAN MIGUEL COUNTY)
(TAX ID: R1030096503)

N 87°43'26" E 848.22'

S 10°55'00" W 316.47'

ILIUM WELL
NO. 1
(DECREED
LOCATION)

Parcel 3
178394 Sq.Ft.
4.095 Acres

R=470.00'

L=254.55'
R=470.00'
DELTA=31°01'53"
CH=251.45'
CB=N 70°45'23" W

L=286.77'
R=529.48'
DELTA=31°01'53"
CH=283.28'
CB=S 70°58'31" E

S 81°17'52" E 396.66'

EASEMENT #6
PER BOOK 536
AT PAGE 794

S 57°52'48" E 35.35'

82.60'

N 86°16'20" W 295.50'

COUNTY ROAD 63I
(SAN MIGUEL COUNTY)

15' WC
(PLAT BOOK 1,
PAGE 3775)
(WESTERLY OF
ACTUAL CORNER)

S 86°05'49" E 295.61'

L=144.76'
R=272.83'
DELTA=30°23'59"
CH=143.07'
CB=S 71°00'21" E

S 56°23'22" E
27.41'

S 82°20'30" W 324.42'

Parcel 2
800661 Sq.Ft.
18.380 Acres

S 57°32'00" E 1225.80'

APPROXIMATE FLOOD ZONE A
(100 YEAR FLOOD PLAIN
WITH NO BASE FLOOD
ELEVATIONS DETERMINED)
ACCORDING TO FEMA FIRM
MAPPING PANEL NUMBER
08113C0286C DATED
SEPTEMBER 30, 1988

CORNER 4
MS 12909

HISTORIC RGS RAILROAD
RIGHT OF WAY ACCORDING
TO BOOK 11, PAGE 361
BOOK 54, PAGE 484
BOOK 478, PAGE 934
RECEPTION NUMBER 363067

CORNER 1
MS 2068

CORNER 2
MS 2230

CORNER 3
MS 12909

CORNER 4
MS 12721

CORNER 3
MS 12721
CORNER 9
MS 12728

S 69°40'01" W 707.37'

N 69°09'23" E
9.18'

S 69°40'01" W 647.37'

60' WC
CORNER 2
MS 12721
CORNER 8
MS 12728

S 69°40'01" W 60.00'

MARY E PLACER
MS 12728
UNCOMPAHGRE NATIONAL FOREST

N 45°28'33" W 1691.96'

UNCOMPAHGRE NATIONAL FOREST

TRAIL

SAN MIGUEL RIVER

S 14°32'53" E 669.75'

SAN MIGUEL RIVER

N
W E
S
0 60 120 Feet
Scale 1" = 60'

- SET 18" LONG #5 REBAR AND 1 1/2" ALUMINUM CAP L.S. 37662
- FOUND #5 REBAR AND 1 1/2" ALUMINUM CAP L.S. 24954
- FOUND 3 1/4" BRASS CAP ON 2 1/2" ALUMINUM PIPE – BLM
- EXISTING WELL
- EXISTING TRANSFORMER
- SANITARY MANHOLE
- DECREED WELL LOCATION (NOT INSTALLED) DWR CASE NO. 93CW163

- PROPERTY LINE (AS SURVEYED)
- PLACER CLAIM LINE
- PROPERTY LINE (ADJOINING, NOT SURVEYED)
- RGS ROW (NOT SURVEYED)
- UTILITY EASEMENT (AS NOTED)
- EDGE OF WATER (AUGUST 15, 2022)
- EXISTING TRAIL
- BURIED ELECTRIC LINE
- SANITARY SEWER LINE
- WATER LINE
- BURIED FIBER OPTIC
- BURIED NATURAL GAS LINE
- BURIED COMMUNICATIONS (TELEPHONE/FIBER/CABLE)

FLOOD ZONE A (100 YEAR FLOOD PLAIN WITH NO BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO FEMA FIRM MAPPING PANEL NUMBER 08113C0286C DATED SEPTEMBER 30, 1988

Alexander Family
TBD County Road 63L
San Miguel County
State of Colorado

May 2, 2023

PROJECT NUMBER 22045
Sheet 4 of 4

Subdivision Exemption for Lot Line Adjustment

Portions of the San Miguel Placer (MS 2062), Pekin Placer (MS 2230), Soudan Placer (MS 12909), New York Placer (MS 12721) within Section 36 T43N R10W and Section 31 T43N R9W NMPM

BULSON SURVEYING

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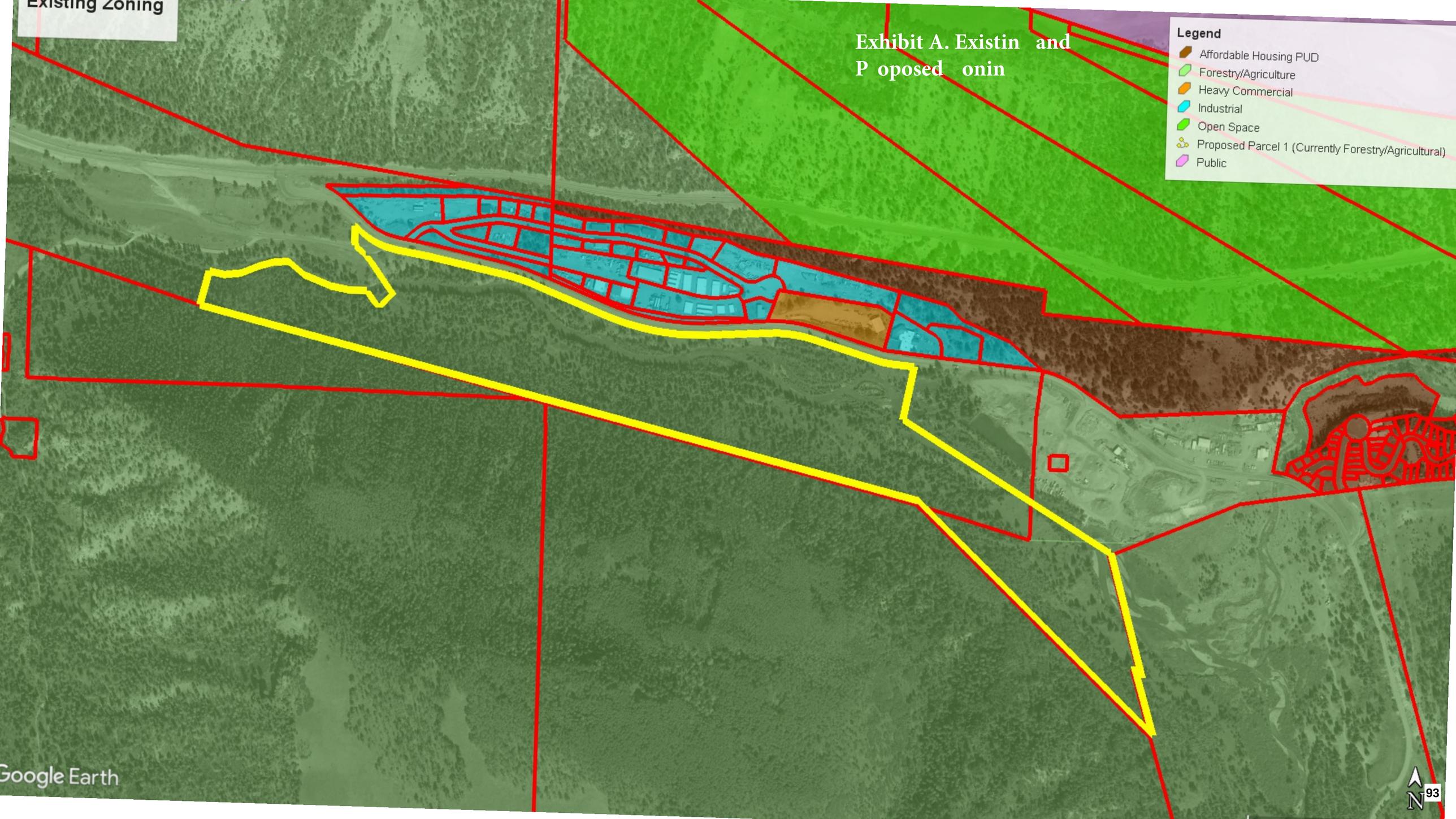
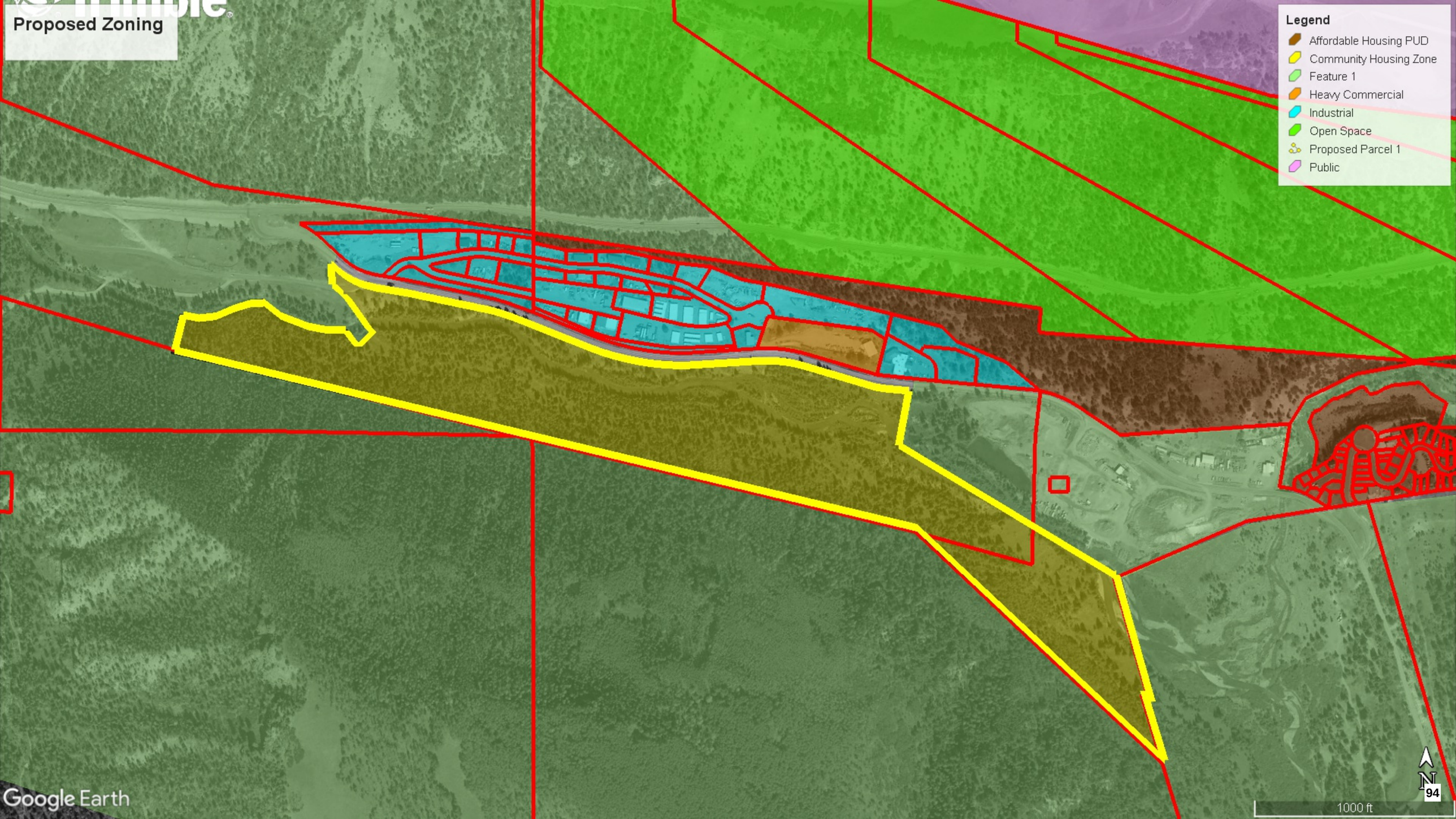

Existing Zoning
Exhibit A. Existin and
P oposed onin
Legend
Affordable Housing PUD
Forestry/Agriculture
Heavy Commercial
Industrial
Open Space
Proposed Parcel 1 (Currently Forestry/Agricultural)
Public
Google Earth
N
93


Proposed Zoning
Legend
Affordable Housing PUD
Community Housing Zone
Feature 1
Heavy Commercial
Industrial
Open Space
Proposed Parcel 1
Public
Google Earth
N
94
1000 ft

Telluride Regional Boundary
As shown in Telluride Regional Area Master Plan ("TRAMP")

Exhibit . Tellu ide e ional
A ea aste Plan Exhibit

Legend
- 1992 Telluride Regional Boundary
- 2006 Amended Boundary
- Proposed Parcel 1

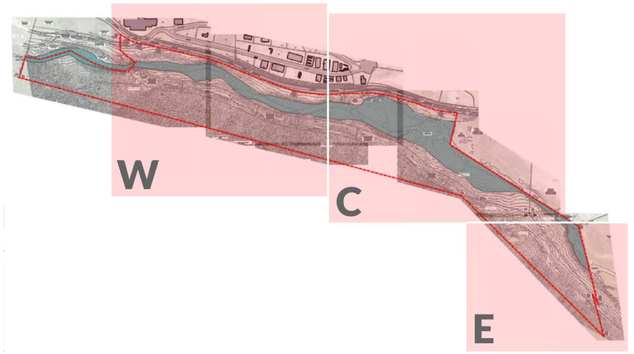
Google Earth

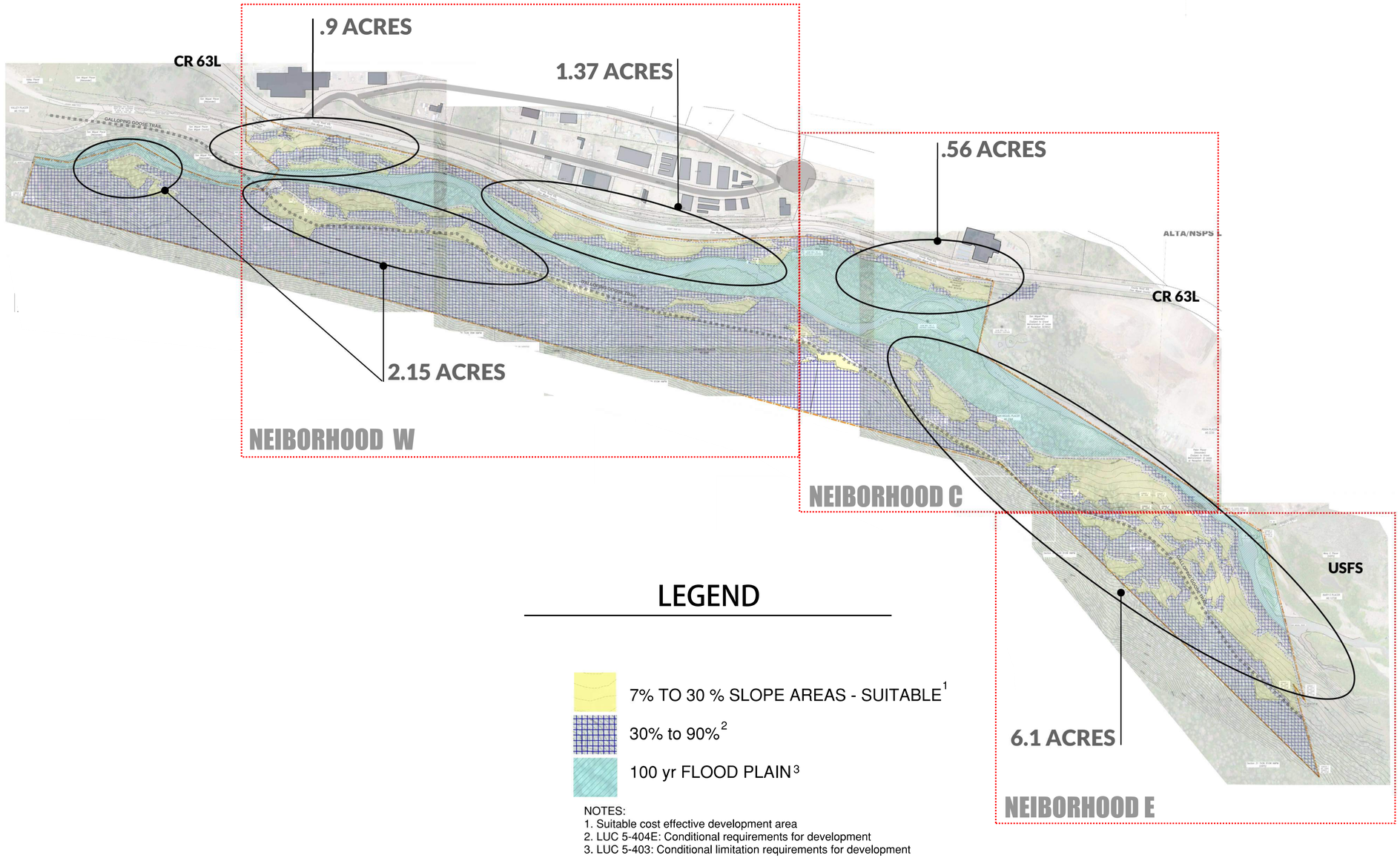
2000 ft

N

95

Exhibit C. evelopment Anal is ap





LEGEND

- 7% TO 30 % SLOPE AREAS - SUITABLE[1]
- 30% to 90%[2]
- 100 yr FLOOD PLAIN[3]

NOTES:
1. Suitable cost effective development area
2. LUC 5-404E: Conditional requirements for development
3. LUC 5-403: Conditional limitation requirements for development

KEO studioworks

IDENTIFIED DEVELOPABLE AREAS
ALEXANDER PARCEL

0 200 400 450

N

TOWN OF MOUNTAIN VILLAGE

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474194
Page 1 of 11
SAN MIGUEL COUNTY, CO
STEPHANNIE VAN DAMME, CLERK-RECORDER
12-13-2021 08:16 AM Recording Fee $0.00

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, APPROVING AN AMENDMENT TO THE LAND USE CODE ADDING SECTION 5-324 COMMUNITY HOUSING (CH) ZONE DISTRICT WITH ASSOCIATED AMENDMENTS

Resolution 2021-038

WHEREAS, based on the 2018 San Miguel County Housing Needs Assessment, the need for additional community housing is critical, with an estimated shortage of 441 units at the time of the study, and a projected shortage of an additional 325 units by 2026; and

WHEREAS, the 2019 report, The Impacts of Workforce Housing on the Telluride Area Economy and Community, done by the Trust for Community Housing, identified the importance of deed restricted housing for retaining essential workers, emergency service workers and those who support the local economy, and having workers close to their jobs as critical for maintaining the economy and the community; and

WHEREAS, it is imperative to meet the housing needs of people who work in San Miguel County, in order to preserve community and ensure the County continues to be a viable residential community with a stable resident workforce; and

WHEREAS, the lack of community housing is leading to overcrowding in current units and excessive commuting, which increases carbon emissions; and

WHEREAS, the lack of affordable housing for permanent and seasonal residents is resulting in difficulties in finding and retaining workers, thus impacting local businesses; and

WHEREAS, local real estate sales and rental trends due to the COVID pandemic have resulted in significant displacement of local renters, further exacerbating the availability of affordable housing in San Miguel County; and

WHEREAS, the lack of community housing close to employment centers requires significant other expenditures on transit, parking, roads, law enforcement and other county and local government services; and

WHEREAS, streamlining the permitting process, removing regulatory barriers, and facilitating higher density residential development will help to further San Miguel County's Housing goals and policies and encourage the construction of workforce and community housing; and

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado (BOCC) has a legitimate interest in ensuring adequate community housing exists for the above mentioned reasons; and

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WHEREAS, C.R.S. § 30-28-102, as amended, authorizes the BOCC to provide for the physical development of the unincorporated territory within the County and for the zoning of all or any part of such unincorporated territory subject to other statutory provisions; and

WHEREAS, C.R.S. § 30-28-111, as amended, grants authority to the County Planning Commission (CPC) to create a zoning plan for zoning all or any part of the unincorporated territory within the County, to include but not limited to, recommendations for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the density and distribution of population, the location and use of buildings and structures residence, or other purposes; and

WHEREAS, ,Governor Polis signed House Bill 21-1117 into law on May 28, 2021, which amended C.R.S. § 29-20-104, adding (1)(e.5) and (1)(e.7) encouraging local governments to increase the overall number and density of housing units within its jurisdictional boundaries or to promote or create incentives to the construction of affordable housing units by adopting changes to its zoning or land use policies to increase the number of housing units allowed on a particular site, and/or permitting more than one dwelling unit per lot in traditional single-family lots, and/or promoting denser housing development near transit stations and places of employment, and/or grant reduced parking requirements to residential or mixed-use developments that include housing near transit stations or affordable housing developments, and/or grant density bonuses to development projects that incorporate affordable housing units; and

WHEREAS, at the direction of the Board of County Commissioners, the Planning Director has prepared a draft Land Use Code (LUC) Amendment, creating Section 5-324, Community Housing Zone District, with associated amendments to LUC Section 5-1803, Rezoning, and Article 6, Definitions; and

WHEREAS, the draft amendment was referred to the County Attorney; County Manager; County Building Official; County Road and Bridge Director; County Sheriff; County Parks and Open Space Director; County Site Inspector; County Road and Bridge Director; County Building Official; San Miguel Regional Housing Authority; Town of Telluride; Town of Mountain Village; Town of Sawpit; Town of Ophir; Town of Norwood; Telluride Fire Protection District; and Colorado Division of Water Resources; and

WHEREAS, the draft LUC Amendment was discussed within joint work sessions by the CPC and the BOCC on October 11, November 4 and November 17, 2021, with direction given to staff regarding the proposed amendment; and

WHEREAS, at a joint meeting with the BOCC held on Wednesday, December 8, 2021, following its consideration of the proposed LUC Amendment, the CPC unanimously recommended approval of the Land Use Code Amendment; and

WHEREAS, in making its recommendation to the Board of County Commissioners, the CPC made the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, is consistent with Land Use Code Section 1-4,

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Purposes of the Land Use Code, and implements the Land Use Code Policies for Housing as contained in Section 2-29; and

WHEREAS, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners meeting to be held on December 8, 2021 was published in the Norwood Post and the Telluride Daily Planet on November 24, 2021; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit A; and

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this Land Use Code amendment, along with relevant evidence and testimony, at a public hearing on Wednesday, December 8, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the amendments to San Miguel County Land Use Code, adding Section 5-324 Community Housing (CH) as a new zone district:

5-324 COMMUNITY HOUSING (CH)

5-324 A. Purpose

The purpose of the Community Housing zone district is to provide for the development of high-density, clustered housing for people who live and work within San Miguel County. Housing may be in attached or detached single-family homes, duplexes, multi-family buildings, or rooming houses. Development may also include alternative living units such as spaces for RVs, tiny homes or yurts. Dwelling units shall be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304 and 5-1305), unless free-market units are allowed within the development.

Properties that may be considered for rezoning to the Community Housing (CH) zone district shall be located within the Telluride R-1 School District boundaries. Zone districts that are most appropriate for rezoning to CH are those that can be served by municipal water, including Low Density (LD), Low Density Residential (LDR), Medium Density (MD), and High Density (HD). The Forestry, Agriculture, and Open (F) zone district may be considered where water can be developed. Properties that are zoned High Country Area (HCA) or Rangeland Grazing (RG) shall not be considered for rezoning to CH. The maximum density of twenty (20) units per acre may be higher than that found in surrounding areas. **It is the position of the County that housing for people who live and work in the local communities is a high priority. When rezoning land to the CH zone district, the higher density that may be achieved in that zone shall not be considered incompatible with surrounding land uses, neighborhood characteristics or community character.**

Clustered development is encouraged to maintain open space, to be efficient in design and construction of infrastructure, and to mitigate impacts on adjacent properties. Recreational, civic and public uses may be part of the development where appropriate. All development shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include,

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but are not limited to, provision of water and wastewater treatment; mitigation of geohazards; site access; and any other applicable site-specific considerations.

All development in the Community Housing zone district is encouraged to include energy efficient design and alternative energy generation such as solar power. Net zero development – producing enough energy through the use of measures such as solar panels, passive design, and other means to offset the energy consumed on an annual basis – is strongly encouraged. Sites that are not suited to net-zero development should strive to be as energy efficient as possible, through design, construction, and building systems.

5-324 B. Uses Allowed by Right

I. Customary residential accessory buildings and uses;

II. Day care homes; and

III. Home occupations.

5-324 C. Uses Allowed Subject to Administrative Review

I. Temporary Alternative Living Space sites;

II. Day care centers;

III. Public transportation facilities primarily serving the development; and

IV. Public utilities and infrastructure to primarily serve the development.

5-324 D. Uses Allowed Subject to One-Step Planning Commission Review

I. Dwelling units – on parcels five (5) acres or less:

a. Single-family dwellings, attached and/or detached;

b. Duplexes;

c. Multi-family dwellings;

d. Rooming houses;

e. RV, tiny home, yurt and other Alternative Living Spaces (no more than twenty (20) percent of total units);

II. Churches, community meeting halls, libraries, and other civic and community-serving facilities;

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III. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development; and

IV. One (1) Free-market (not deed restricted) dwelling unit.

5-324 E. Uses subject to Two-Step Special Use Permit Review

I. Dwelling units – on parcels greater than five (5) acres:

a. Single-family dwellings, attached and/or detached;

b. Duplexes;

c. Multi-family dwellings;

d. Rooming houses;

e. RV, tiny home, yurt and other Alternative Living Spaces (twenty one (21) percent or more of total units);

II. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development and regional residents;

III. Fire stations, schools, and other public facilities and uses; and

IV. Free-market (not deed restricted) dwelling units:
a. Comprising ten (10) percent or less of the total units for a development that is not net zero on an annual basis; or
b. Comprising twenty (20) percent or less of the total units for a development that is net zero on an annual basis.

5-324 F. Uses Allowed Subject to Board of County Commissioner Approval Pursuant to Planned Unit Development (PUD) Procedure

I. Free-market (not deed restricted) dwelling units:
a. Comprising eleven (11) percent or more of the total units for a development that is not net zero on an annual basis; or
b. Comprising twenty-one (21) percent or more of the total units for development that is net zero on an annual basis;

II. Neighborhood Commercial Uses that offer goods and services needed by residents of the PUD on a daily or frequent basis, including convenience store, drug store, liquor store, self-service laundry, medical and dental offices and clinics, and postal service substation; and

III. Flex Space.

5-324 G. Area and Bulk Requirements Permitted by Right

I. Maximum Density – twenty (20) units per acre

II. Minimum Lot Area – None

III. Setbacks

a. Setbacks from any development to property lines of any abutting parcel zoned other than Community Housing and to any right-of-way – twenty (20) feet;

b. Front yard – ten (10) feet to adjacent buildings; otherwise, to allow flexibility in the design process, there is no minimum internal front yard setback;

b. Rear yard – ten (10) feet to adjacent buildings; otherwise, to allow flexibility in the design process, there is no minimum internal rear yard setback;

c. Side yard:

i. Detached Principal buildings – ten (10) feet to adjacent buildings;

ii. Attached Principal buildings – zero (0) feet on the attached side(s) and ten (10) feet to adjacent buildings on the detached side.

d. Accessory buildings – five (5) feet to the nearest building(s), all sides.

IV. Maximum Building Height:

a. Thirty-five (35) feet;

b. For development that is net zero on an annual basis, forty-five (45) feet.

V. Minimum Common Open Space – thirty (30) percent, to be developed as either Active or Passive Open Space

VI. Minimum Off-street Parking

Clustered parking areas are encouraged. Off-street parking shall be provided for each principal use as required in Section 5-702, with the

following exceptions:

a. Studio and one (1) bedroom dwelling units: one (1) parking space per unit;

b. All other dwelling units: two (2) spaces per unit;

c. Rooming house: one (1) parking space per sleeping room, except where the property is served by public transit, in which case the parking requirement shall be two (2) spaces for every three (3) sleeping rooms;

d. Alternative Living Spaces: one (1) parking space per unit.

5-324 H. Review Standards

An applicant seeking approval for a development in this zone district must demonstrate to the satisfaction of the Decision Maker substantial compliance with the applicable standards of LUC Sections 5-5, 5-6 and 5-7, and with the standards in this section:

I. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use;

II. There shall be adequate water supply to serve the development that meets the standards of Section 5-605. If the water service provider has a lower per capita standard than that specified by Section 5-605, or the developer can demonstrate lower water demand for the development, the average daily demand per capita may be reduced. Water shall be treated by a method determined by the County or state health department to conform to minimum local and state requirements;

III. The wastewater treatment system shall meet the standards of Section 5-607;

IV. The property shall have direct access to a state highway or a County road that is maintained year-round;

V. A traffic study may be required to determine the adequacy of the access and surrounding road network, and to identify any needed improvements;

VI. Fencing shall be "wildlife friendly fences," in compliance with Colorado Parks and Wildlife fencing standards, as described in LUC Section 5-407;

VII. In areas where development is proposed that has been or may be designated as being in any area of local or state interest or being an activity of local or state interest, the requirements of Section 5-4 shall be met;

VIII. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable area of the site;

IX. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards; and

X. A development agreement or covenants may be required to ensure there is a responsible homeowners association or entity to maintain the systems and infrastructure.

BE IT FURTHER RESOLVED, LUC Section 5-1803 Rezoning is hereby amended to clarify and add an additional standard to LUC Section 5-1803 A:

Additions to the following section are indicated with underline. Deletions are indicated with ~~strike-through~~.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Meets ~~Conflicts with~~ any applicable Sections of the Land Use Code;

II. Is consistent with the San Miguel County Comprehensive Development Plan;

III. Is compatible with surrounding Zone Districts and land uses, considering existing land use, ~~and~~ neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

IV. Would not result in unsupportable demands on public facilities, and ~~so~~ would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

V. Would not result in significant adverse impacts on the natural environment;

~~VI. Is consistent and compatible with the community character; and~~

VII. Would not be in conflict with the public interest; and

VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

BE IT FURTHER RESOLVED, Article 6 Definitions is amended to add the following definitions:

Alternative Living Space
A structure that is built or designed outside of mainstream construction, such as a "Tiny Home," recreational vehicle, yurt, or cargo container, that may not meet all building code requirements for a dwelling, or may be classified as a vehicle, but can provide housing that includes facilities for cooking, bathing, and sleeping. Cooking and bathing facilities may be located in a separate or communal service building. Alternative Living Spaces shall be limited to five hundred (500) square feet in floor area, excluding loft spaces with an average height of no more than four (4) feet. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

Tiny Home
A small house built on a trailer that includes cooking and bathing facilities, generally classified as a recreational vehicle. A Tiny Home may or may not comply with Federal Motor Vehicle Safety Standards and/or other applicable regulations. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

BE IT FURTHER RESOLVED, this resolution is adopted based on the finding that the proposed amendment complies with the statutory powers of the Board of County Commissioners to regulate land use within all or any part of the unincorporated territory of San Miguel County and the standards of Land Use Code Section 5-1802, Land Use Code Amendments; is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, in that it implements the policies of San Miguel County regarding housing, simplifies the application and review process, and protects the public health, safety and welfare of San Miguel County; and implements the Land Use Policies for Housing as contained in LUC Section 2-29, by providing mechanisms to increase available housing for people who live and work within the County, ensures community character is protected, and helps the residential communities within the County continue to be viable.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on December 8, 2021.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

DocuSigned by:
By: Lance Waring
F8BE6619453843O...
Lance Waring, Chair

Vote:	Lance Waring	x	Aye	Nay	Abstain	Absent
	Hilary Cooper	x	Aye	Nay	Abstain	Absent
	Kris Holstrom	x	Aye	Nay	Abstain	Absent

ATTEST:

DocuSigned by:
By: Carmen Warfield
BE2AF0C30C63408...
Carmen Warfield, Chief Deputy Clerk

DS

EXHIBIT A – Public Hearing Record list

[Z:\Applications\2021_Community Housing_LUC Amendment_MP Amendment]

EXHIBIT A
PUBLIC HEARING RECORD

County Planning Commission
Board of County Commissioners
Application: Amendment to the San Miguel County Land Use Code adding Section 5-324 Community Housing (CH) zone district, with associated amendments

Date: December 8, 2021

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)

2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)

3. Memorandum to the San Miguel County Planning Commission and San Miguel County Board of County Commissioners from Kaye Simonson, Planning Director, dated December 8, 2021

4. Draft Resolution

5. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on September 22, 2021

AGENCY COMMENTS

6. Agency Referral email dated October 18, 2021

7. Email from Karen Guglielmone, Town of Telluride, dated October 27, 2021

8. Email from Lance McDonald, Town of Telluride, dated October 18, 2021

PUBLIC COMMENT

None

OTHER

None

BECHTOLT
ENGINEERING
3059 Main Avenue
Durango, CO. 81301
970-259-7534
7550 West Yale Avenue
Lakewood, CO 80227
720-212-0186

February 27, 2023

Michelle Haynes, MPA
Assistant Town Manager
Town of Mountain Village
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435

Subject: Rezone Application – Town of Mountain Village Community Housing
Traffic Review

Ms. Haynes,

Bechtolt Engineering has reviewed the proposed rezoning of the forestry/agriculture Ilium Property to Community Housing. This letter summarizes our traffic operations and safety review of the proposal in accordance with Section 5-1803 C of the *San Miguel County Land Use Code*.

The parcel is located adjacent to San Miguel County Road 63L (Ilium Road) which will provide access to the project. The project's primary access to the State Highway system will be via the existing State Highway 145/Ilium Road intersection. Ilium Road and its intersection with S.H. 145 currently serves mixed land uses including the San Miguel County Sheriff's office, heavy industrial uses (gravel pit), light industrial, and residential.

The rezoning of the parcel to Community Housing will generate additional vehicular trips, primarily Passenger Cars with a few Single Unit trips for delivery vehicles and/or multi-modal vehicles. Ilium Road is currently a paved two-lane roadway. Any traffic safety or operational impacts to Ilium Road will most likely be minor and should be mitigable with minor correction.

The intersection of Ilium Road and State Highway 145 presents several challenges. The existing S.H. 145/Ilium Road intersection is a "T" single approach configuration with two lanes on S.H. 145 and an entering left turn deceleration lane to Ilium Road. The existing Ilium Road approach to the intersection may present safety and operational issues because of its horizontal and vertical alignments. It appears that the traffic currently generated by the existing land uses would most likely warrant additional auxiliary lanes at the intersection in accordance with the *State Highway Access Code*. Safety and operational issues created by the traffic generated by the Community Housing project will be incremental to those currently being caused by existing traffic. Quantifying and identifying measures of mitigation for these incremental impacts to the intersection will most likely be required by a subsequent Traffic Impact Study required by the Colorado Department of Transportation (CDOT). This study would be provided with a future development application for the property as well as proposed safety improvements with that application.

Based upon this review, it appears that, with proper analysis and engineering, all traffic and safety impacts created by the project should be mitigable. Please let me know if you have any questions or comments.

Sincerely,

RDBechtolt

Richard D. Bechtolt, P.E.
Bechtolt Engineering, Inc.

SGM
www.sgm-inc.com

MEMORANDUM

To: Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Town of Mountain Village

From: Eric Bikis, PG
Brandyn Bair, PE
SGM, Inc.

Date: February 27, 2023

Re: **Valley Housing Project – Water Supply and Wastewater Executive Summary**

Town of Mountain Village (TMV) requested that SGM, Inc. prepare an executive summary for the feasibility of developing a water supply and wastewater treatment for a contemplated employee housing project on the San Miguel River adjacent to the Ilium Property Owners Association (IPOA) development. This work is part of previous SGM assignments for this project, which is incorporated herein by reference.

Executive Summary – Water Supply

SGM evaluated the feasibility of developing a legal and physical water supply at the 56.3-acre parcel of land known as Alexander Ranch, LLLP property. For the evaluation SGM relied upon its extensive knowledge of water resources within the San Miguel River basin and nearby available and pertinent water information. Several options were evaluated. Based on this feasibility-level work, SGM concluded that a physical (wet) water supply could be developed on-site, either through development of wells or a surface water diversion and treatment. A reliable legal augmentation water supply was also identified to supply the proposed development under full build-out conditions. Both the legal and physical water supplies defined conform with the standards of the County Land Use code, specifically Article 2, Section 2-17, Adequate Provision of Water. Specific details of this work as defined, would be provided with a future land use application.

Alternatively, and in keeping with Section 5-408A of the LUC, Domestic Water and Sewage Treatment Systems, SGM also considered development of cooperative water supply and treatment facilities to be shared with the IPOA to mutually benefit both entities and realize an economy of scale. The existing IPOA facilities would be integrated into the Alexander parcel development and such facilities would be upgraded to meet full build-out demands of both entities. If agreement between the parties can be reached, TMV would pursue this option; otherwise, TMV will develop its independent water supply and treatment facilities.

Executive Summary – Wastewater Treatment

Similar to the water treatment and water supply, SGM performed a feasibility analysis for wastewater collection and treatment. To address Section 5-408A of the LUC, Domestic Water and Sewage Treatment Systems, SGM considered the development of cooperative wastewater treatment facilities to be shared with IPOA to benefit both entities. Given the constraints of Phase 1, located north of the San Miguel River and south of County Road 63L, TMV would need to install some infrastructure for sewer collection prior to connecting to IPOA. In future phases the existing IPOA facilities would be expanded/upgraded pending CDPHE nutrient regulations for wastewater effluent. At that time IPOA facilities would be integrated into the Alexander parcel and such facilities would be upgraded to meet future buildout of both entities. If

agreement between the parties can be reached, TMV would pursue this option; otherwise, TMV will develop its independent wastewater collection and treatment facilities.

Similarly, however, at Article 2, Section 2-18 Sewage Treatment and Collection, feasibility as it relates to land area and necessary infrastructure was devised if an independent sewage package plant was necessary. Either scenario, a shared facility, or independent facility can be accommodated with the Alexander property development. Details would be provided with a future development application.

I:\Durango\007-06 TMV\2023\Task 09 - Valley Floor Development\Expert Letter SGM Valley Housing Water Supply and Wastewater Executive Summary Final 2023-02-27.docx

COMMUNICATIONS

- August 8, 2022: The Town of Mountain Village announced our intent to purchase the Alexander property at the Intergovernmental Meeting.
- August 8, 2022: KOTO News covered meeting and announcement.
- August 10, 2022: the Daily Planet published an article about the Alexander Property potential purchase found here.
- August 29, 2022: the Town sent a communication to the Ilium/Two Rivers HOA about the purchase on August 29, 2022
- September 8, 2022: the Town discussed the PSA (purchase and sale agreement) at the special meeting on September 8, 2022.
- September 22, 2022: KOTO covers Mountain Village Town Council discussion regarding Ilium purchase. Found here.
- October 5, 2022: project update provided in Mayor's Minute: Affordable Housing Projects Update. Found here.
- October 31, 2022: the manager's office met with the Ilium POA to discuss shared interests
- December 2022: the Town Council reviewed the feasibility analysis and agreed to extend the contract for a second study period.
- December 14, 2022 the Town requested a worksession in January with the Board of County Commissioners, this was scheduled then did not occur.
- January 5, 2023: the manager's office met with the Two Rivers HOA to share information.
- January 19, 2023: The town had a pre-application meeting with county planning staff regarding rezoning the property. The town was encouraged to apply for the CH Zone District.
- January 31, 2023: The Town of Mountain Village held a Community Housing Forum to discuss our housing development projects, deed restriction administration and lottery timelines, inclusive of the Alexander Property. Materials found here.
- February 3, 2023: San Miguel County provided the pre-application summary letter outlining submittal requirements.
- February 26, 2023, the Two Rivers Owners Association held a Q & A regarding the Alexander Parcel.
- May 22, 2023: TMV submits application for CH zoning regarding the Alexander Property to the County planning staff.

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF C.R.S. § 24-65.5-103(1)

Anneliese K Riebel, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of an application for development that is in anticipation of new surface development on the subject property. Applicant recognizes that the provisions of C.R.S. § 24-65.5-103(1) require public notice, at Applicant's expense and not less than thirty (30) days before the date scheduled for a public meeting or hearing, to all owners and lessees of a mineral interest of record on the subject property of the pending application.

Applicant or Applicant's agent(s) have examined the records in the Office of the San Miguel County Clerk and Recorder to determine the Mineral Estate Owner, as that term is defined in C.R.S. § 24-65.5-102(5). Applicant or Applicant's agent(s) hereby certifies that: (Check One)

☒ Following an examination of the records in the Office of the San Miguel County Clerk and Recorder, no separate Mineral Estate Owner(s) of record have been identified on the subject property of the pending application, and Applicant owns all of the mineral rights on the subject property.

OR

☐ Following an examination of the records in the Office of the San Miguel County Clerk and Recorder, public notice by first class mail has been provided to the owner(s) of record of the Mineral Estate (including owner(s) and lessee(s) of the Mineral Estate) on the subject property of the pending application for development. Such notice contained the time and place of the public meeting or hearing, the nature of the public meeting or hearing, the location of the property that is the subject of the meeting or hearing, the name of the applicant, the local government considering the application for development and the name and address of the Mineral Estate owner(s). **I hereby certify that I have attached a copy of this Mineral Estate owner(s) and lessee(s) list and the letter sent to them to this Certification.**

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the public meeting or hearing on a land use application in anticipation of new surface development if such applications are subject to the noticing requirements of C.R.S. § 24-65.5-103(1). I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the public meeting or hearing on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Anneliese K Riebel
Name

Michelle Haynes, Town of
(Insert Applicant's name if executed by agent)

Alexander Property Ilium Valley Mountain Village
Physical location of Property and/or legal description

455 Mountain Village BLVD. Suite A
Mailing Address (if different from above)

Mountain Village, CO 81435

Date: 6/12/2023

Signature: _____ [text/luc/certicifation.mineral.owner]

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9

Anneliese K Riebel Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

☒ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

☒ Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Anneliese K Riebel
Name

Michelle Haynes Town of Mountain Village
(Insert Applicant's name if executed by agent)

Alexander Property Lillium Valley
Physical location of Property and/or legal description

455 Mountain Village Blvd. Suite A
Mailing Address (if different from above) Mountain Village CO 81435

Date: 6/22/2023

Signature: Anneliese K Riebel [text/luc/certification.property.owner]

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

DocuSign Envelope ID: A13E4C84-47F5-494C-91BE-4B00797908AA

June 1, 2023

NOTICE TO PROPERTY OWNERS,

The San Miguel County Planning Commission has been asked to consider an application submitted by the Town of Mountain Village (Applicant), 455 Mountain Village Blvd, Suite A, for property owned by Alexander Ranch LLLP (Property Owner) located in the Ilium Valley south of County Road 63L. The application proposes to rezone a 56.343-acre portion of Parcel No. 456336200028 (currently being platted), from Forestry, Agriculture and Open (F) to Community Housing (CH). Rezoning requires Two-step review by the County Planning Commission and Board of County Commissioners pursuant to Land Use Code Section 5-319 G VII.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. Thursday, July 13, 2023. This public meeting is the first step of a two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held at 333 W Colorado Ave, Rm 201, Telluride, and online. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the SMC Planning Department at 970-728-3083 for more information on the application. A copy of the application may be viewed at https://www.sanmiguelcountyco.gov/198/Planning. The official designated posting place for all meeting notices will be online at http://www.sanmiguelcountyco.gov/liveagenda

Written comments of more than one page may not receive complete consideration if not received by June 27, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

The meeting on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

Respectfully,

DocuSigned by:

05D2C835D0E043B...

Michelle Haynes, Town of Mountain Village

The Alexander Property (Subject Property) is located within portions of San Miguel County parcels 456336200028 and 456531400005, located in Ilium Valley, San Miguel County, approximately 1.2 miles west of Mountain Village, Colorado as indicated on the San Miguel County Assessor's online database. It is approximately 56.343 Acres according to the subdivision exemption plat, see attachment 11. LUC 4-603 Proposed Plat/Subdivision Exemption Plat.

The Town of Mountain Village executed a purchase and sale agreement in August of 2022 to purchase the Subject Property. The Owner filed a subdivision exemption plat with San Miguel County which was conditionally approved by the Board of County Commissioners on April 19, 2023 see attachment 11. LUC 4-603 Proposed Plat/Subdivision Plat which legally created the lot, known as Parcel 1 of the Alexander Ilium Property Subdivision Exemption for Lot Line Adjustment. The Town of Mountain Village is filing an application with Owner consent, see Attachment 4. LUC 4-202 Letter of Consent from the Owner, to rezone the property from Forestry/Agriculture zone district to the Community Housing zone district.

The Subject Property is located along the San Miguel River in montane forest and riparian ecosystems. The San Miguel River bisects the entire east to west length of the Subject Property. The south portion of the Subject Property is pristine natural forest with the exception of a historic rio grande southern railroad right of way (aka railroad grade) that has been reclaimed for recreational trail use. The north portion of the Subject Property is a narrow strip of land bordered by County Road 63L (see legal access at attachment 7 LUC 4-205), to the north and the San Miguel River to the south. The land north of County Road 63L is developed and occupied by County buildings including maintenance shops and the sheriff's office; other businesses or light and heavy industry also is present in this area. An active sand and gravel mining operation is present on the northeastern border of the Subject Property, just north of the San Miguel River.

Figure 1. Vicinity Map

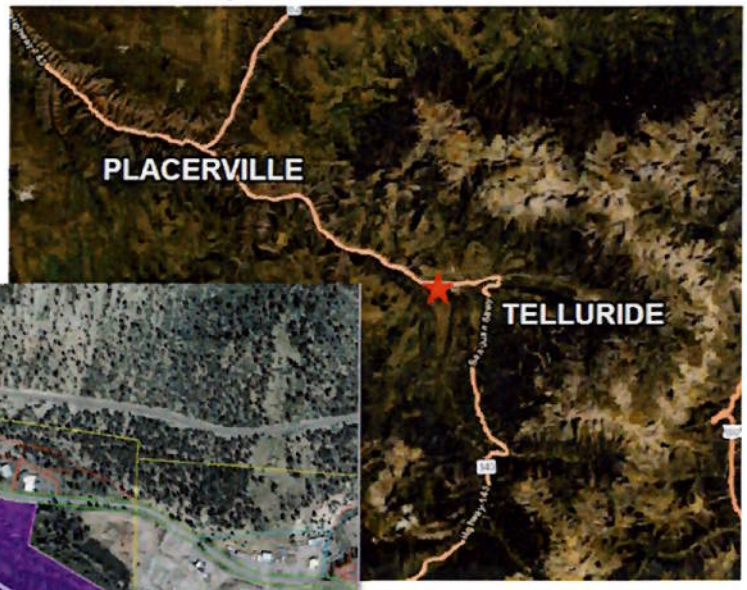

Figure 2. Alexander Property

NAME1	NAME2
ALEXANDER RANCH LLLP	
USFS	NORWOOD DISTRICT RANGER
ALLEN DAVID GARRISON	
BAGNALL ANDY AND	BENZ KARA AS JT
BLM	C/O UNCOMPAHGRE FIELD OFFICE
CODY RAYMOND REVOCABLE TRUST DTD 4 2 2001 RESTATED AND	AMENDED 7 31 2012
COLLINS DANIEL L AND	COLLINS LAURIE LUNDQUIST
CONNELLY SUZANNE	
CULLINAN JAMES	
DELSART SHELTER I LLC A CO LLC	
DOHNAL RYAN AND	DOHNAL ZOE AS JT
GROUND POUNDERS INC A CO CORP	
ILIUM PARK OWNERS ASSOCIATION	CO SHUGARS & COMPANY
ILIUM WORKSHOPS LLC A CO LLC	
ILLIUM PARK OWNERS ASSOCIATION	
JONES CHEROSKE LLC A CO LLC	C O TELECAM PARTNERSHIP, ATTN JOI
MESSIER RAYMOND A	
MONUMENT DEVELOPMENT LLC A CO LLC	
MOREHEAD FAMILY TRUST	
PAULS FAMILY PROPERTIES LLC	
PITTENGER SCOTT C AND	PITTENGER MEGHAN R AS JT
PRICE H CHARLES AND JESSIE H	
RILEY WILLIAM C	
SAN JUAN LANDSCAPES LLC A CO LLC	
SAN MIGUEL COUNTY	
SMITH AMY AND	SMITH ERIN AS JT
SMITH RYAN	
SMOLEN TELLURIDE PROPERTIES LLC A CO LLC	
SOUTH FORK HOLDINGS LLC A CO LLC	
STATE OF COLORADO	DEPT OF TRANSPORTATION
TELECAM PARTNERSHIP II LIMITED	A COLORADO LIMITED PARTNERSHIP
TELECAM PARTNERSHIP II LTD	
TELL US NZ LP	
TELLURIDE GRAVEL INC	C O OLDCASTLE SW GROUP INC
TELLURIDE REGIONAL AIRPORT AUTH	A POLITICAL SUB OF STATE OF COLO
TELLURIDE SCHOOL DISTRICT R-1	

ADDRESS	CITY	STATE	ZIPCODE
PO BOX 374	NORWOOD	CO	81423
P.O. Box 388	NORWOOD	CO	81423
899 TWO RIVERS DR	TELLURIDE	CO	81435
751 TWO RIVERS DR	TELLURIDE	CO	81435
2465 S. TOWNSEND AVE.	MONTROSE	CO	81401
PO BOX 2520	TELLURIDE	CO	81435
1417 S GRANDVIEW DR	TEMPE	AZ	85281
PO BOX 973	TELLURIDE	CO	81435
11135 IOTA DR	SAN ANTONIO	TX	78217
PO BOX 3570	TELLURIDE	CO	81435
895 TWO RIVERS ROAD	TELLURIDE	CO	81435
PO BOX 15	PLACERVILLE	CO	81430
PO BOX 2517	TELLURIDE	CO	81435
711 SOUTHPARK RD UNIT B	TELLURIDE	CO	81435
PO BOX 1890	TELLURIDE	CO	81435
PO BOX 3231	TELLURIDE	CO	81435
PO BOX 728	TELLURIDE	CO	81435
221 E SERAPIO DRIVE	TELLURIDE	CO	81435
2200 OAK PARK AVENUE	CHICO	CA	95928
694 TWIN BUTTES AVE	DURANGO	CO	81301
893 TWO RIVERS DR	TELLURIDE	CO	81435
PO BOX 337	TELLURIDE	CO	81435
PO BOX 3551	TELLURIDE	CO	81435
PO BOX 360	TELLURIDE	CO	81435
PO BOX 1170	TELLURIDE	CO	81435
PO BOX 712	RIDGWAY	CO	81432
150 EDGEWATER DR	TELLURIDE	CO	81435
678 SOUTHPARK RD	TELLURIDE	CO	81435
PO BOX 3725	TELLURIDE	CO	81435
4201 E ARKANSAS AVE	DENVER	CO	80222
PO BOX 3231	TELLURIDE	CO	81435
PO BOX 3231	TELLURIDE	CO	81435
PO BOX 665	TELLURIDE	CO	81435
2273 RIVER RD	GRAND JUNCTION	CO	81505
1500 LAST DOLLAR RD STE 1	TELLURIDE	CO	81435
725 W COLORADO AVE	TELLURIDE	CO	81435

TELLURIDE SCHOOL DISTRICT R1	C O KURT SUGARS
TELLURIDE STORAGE LLC A DE LLC	
TRIAD FRISCO PARTNERS LLC A TX LLC	
TSG LLC A DE LLC	
TSG SKI & GOLF LLC A DE LLC	
TWO RIVERS OWNERS ASSOCIATION A CO NONPROFIT CORP	C/O THAM INC

721 WEST COLORADO AVE.	TELLURIDE	CO	81435
PO BOX 2107	TELLURIDE	CO	81435
410 N CARROLL AVE STE 180	SOUTHLAKE	TX	76092
565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435
565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435
PO BOX 1890	TELLURIDE	CO	81435

SAN MIGUEL COUNTY
PUBLIC MEETING NOTICE

Please publish the following Legal **PUBLIC MEETING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, JUNE 28, 2023

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC MEETING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by the Town of Mountain Village (Applicant), 455 Mountain Village Blvd, Suite A, for property owned by Alexander Ranch LLLP (Property Owner) located in the Ilium Valley south of County Road 63L. The application proposes to rezone a 56.343-acre portion of Parcel No. 456336200028 (currently being platted), from Forestry, Agriculture and Open (F) to Community Housing (CH). Rezoning requires Two-step review by the County Planning Commission and Board of County Commissioners pursuant to Land Use Code Section 5-319 G VII.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. or thereafter Thursday, July 13, 2023. This public meeting is the first step of a two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held at 333 W Colorado Ave, Rm 201, Telluride, and online. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the SMC Planning Department at 970-728-3083 for more information on the application. A copy of the application may be viewed at https://www.sanmiguelcountyco.gov/198/Planning. The official designated posting place for all meeting notices will be online at http://www.sanmiguelcountyco.gov/liveagenda

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Norwood Classifieds

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To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

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San Miguel County is Hiring!

The following positions are full-time, year-round and include a comprehensive benefits package!

Special Projects Director

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Correctional Officer/Emergency Dispatcher

The following positions are part-time or seasonal and do not include a benefits package.

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Part-time Juvenile Services Case Manager

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

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Legal Notices

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PUBLIC MEETING NOTICE

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PUBLIC NOTICE

Plaintiffs: ESTATE OF RICHARD C. SIMPSON, AND ESTATE OF ROBERT B. SIMPSON
v.
Defendants: RUPERT G. STARLING, EDITH R. WITBECK, PATRICIA JOHNSTON, TOM HENRY JOHNSTON, JUDY JOHNSTON, MICHAEL CORY JOHNSTON, DAVID SCOTT JOHNSTON, JERRY H. SIMPSON, CYNTHIA A. SIMPSON, AND JOAN J. WILLIAMS ALSO KNOWN AS JAN WILLIAMS, OR THE ESTATES OF SUCH NAMED INDIVIDUALS, and all other persons who claim any interest in the subject matter of this action..

DISTRICT COURT, SAN MIGUEL COUNTY, CO
CASE NO. 23CV30019
SUMMONS BY PUBLICATION

THE PEOPLE OF THE STATE OF COLORADO, TO THE ABOVE-NAMED DEFENDANTS:
You are hereby summoned and required to appear and defend against the claims of the Complaint filed with the court in this action, by filing with the clerk of this court an answer or other response. You are required to file your answer or other response within 35 days after the service of this summons upon you. Service of this summons shall be complete on the day of the last publication. A copy of the Complaint may be obtained from the clerk of the court.
If you fail to file your answer or other response to the Complaint in writing within 35 days after the date of the last publication, judgment by default may be rendered against you by the court for the relief demanded in the Complaint without further notice.
This is an action to quiet title to the property described as follows:
The West Half of the Southwest Quarter, Section 17; the Southeast Quarter of the Southeast Quarter, Section 18, and the East Half of the Northeast Quarter, Section 19, all in Township 45 North, Range 14 West, N.M.P.M.
Also known as VACANT COUNTY ROAD 34Y NORWOOD 81423.
Dated this 23 rd day of May, 2023
Amanda N. Maurer, Atty. Reg. #33361
Attorney for Plaintiff
P.O. Box 916, Glenwood Springs, CO 81602
(970) 928-9100, amanda@ommpc.com
Published in the Norwood Post.
First Publication: May 31, 2023.
Last Publication: June 28, 2023.

Legal Notices

PUBLIC MEETING NOTICE

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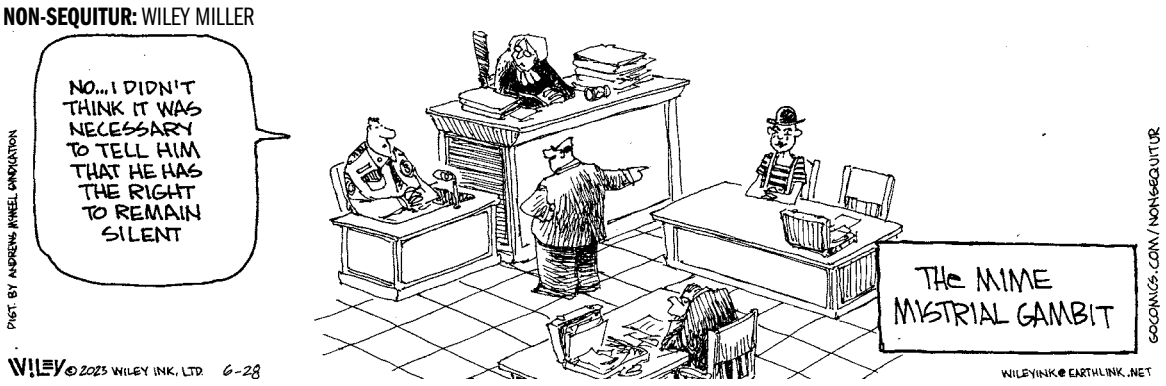
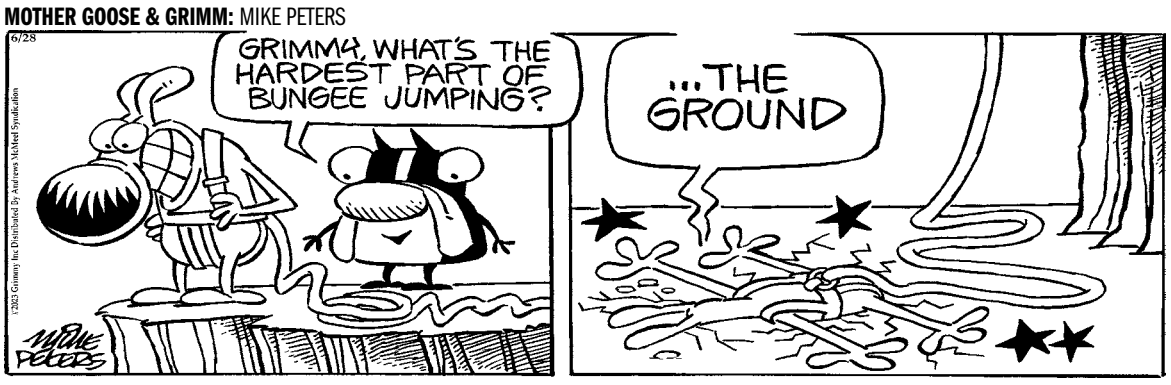
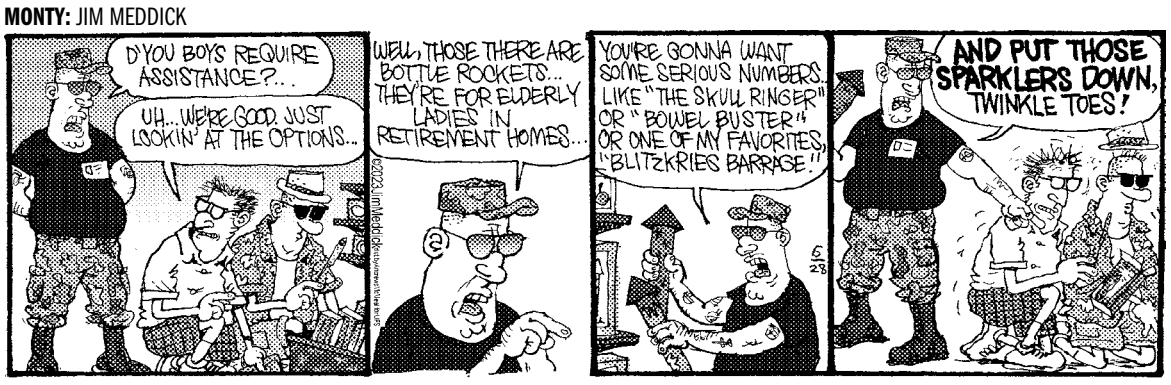


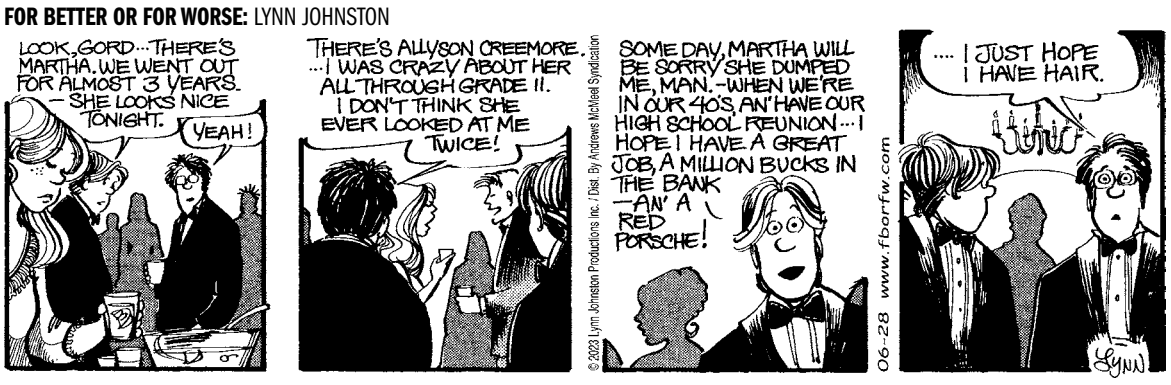
MOTHER GOOSE & GRIMM: MIKE PETERS



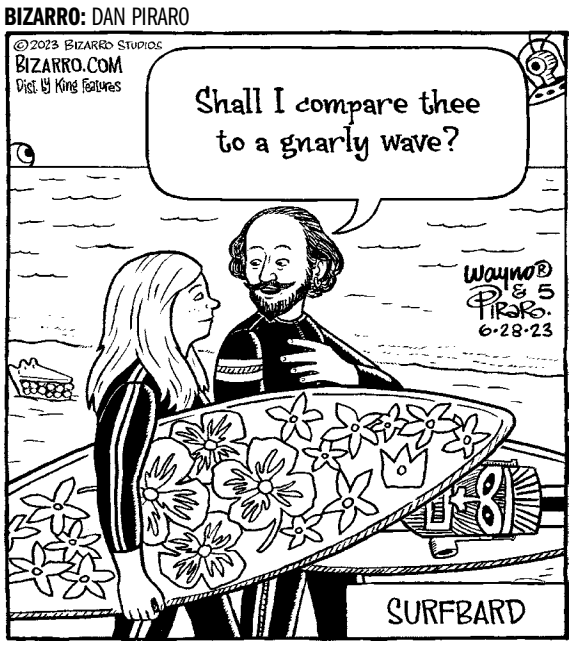
MONTY: JIM MEDDICK



FOR BETTER OR FOR WORSE: LYNN JOHNSTON



BIZARRO: DAN PIRARO



CLOSE TO HOME: JOHN MCPHERSON

Kayla gets some undeniable evidence that she had gorged herself too much on her two-week vacation.

UNIVERSAL SUDOKU

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

Difficulty rating: 3

Previous puzzle solution:

	2			8	6	9		
	9					5	3	
			5	3		6		
		8		5		7	6	3
7	3	5		1		2		
		4		2	7			
	7	1					2	
		9	3	4			5	

6	9	2	7	1	4	3	8	5
7	3	1	2	5	8	4	6	9
5	8	4	9	3	6	1	7	2
1	4	6	5	7	9	8	2	3
3	2	9	8	6	1	7	5	4
8	5	7	4	2	3	9	1	6
4	6	3	1	8	2	5	9	7
2	1	5	3	9	7	6	4	8
9	7	8	6	4	5	2	3	1

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

M E M O R A N D U M

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Matt Gonzales, County Building Official
Ryan Righetti, County Road and Bridge Director
Starr Jamison, County Natural Resources Director
Janet Kask, County Parks and Open Space
Bill Masters, County Sheriff
Kevin Chaney, County Environmental Health Specialist
J David Foley, County Surveyor
Mark Caddy, Colorado Parks and Wildlife
Gregory Powers, Colorado Division of Water Resources,
Randee Reider, Colorado Department of Transportation,
Donald Green, Black Hills Energy
Wiley Freeman, San Miguel Power Association
David Averill, San Miguel Authority for Regional Transportation
John Pandolfo, Telluride School District
Scott Heidergott, Telluride Fire Protection District
Telluride Hospital District
Elyssa Krasic, Ilium Property Owners Association
Scott Robson, Town Manager, Town of Telluride
Ron Quarles, Planning Director, Town of Telluride
Megan Uno, Norwood District Ranger, US Forest Service

FROM: John Huebner, Senior Planner

RE: Community Housing Rezoning of Alexander Property, Ilium Valley

APPLICANT: Michelle Haynes, Assistant Manager, Town of Mountain Village

DATE: June 9, 2023

Please find the attached application submitted by the Town of Mountain Village for your review and comment. The County Planning Commission hearing date is Thursday, July 13, 2023. Please provide your review comments by June 30, 2023 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

Your review comments are very important to us and help the Planning Commission and/or Board of County Commissioners understand the application and make informed decisions with appropriate conditions. All comments received in response to this request for review will be forwarded to the applicant and included in meeting packets for the decision makers. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

1 message

Scott Heidergott <sheidergott@telluridefire.com> Fri, Jun 16, 2023 at 12:24 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

John,

Approval from TFPD.

Kind regards,

On Fri, Jun 9, 2023 at 2:31 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> All,
>
> Attached for your review and comment is an Application received from Michelle Haynes, Town of Mountain Village, on behalf of Alexander Ranch LLLP, owner of a 56.343 acre property in Ilium Valley and within the Telluride Regional area to Rezone the property from Forestry, Agriculture and Open (F) to Community Housing zone district (CH). Please provide comments by June 30, 2023 and let me know if you have any questions.
>
> **15490497-CH Zoning Application Packet_Part1 (1)...**
>
> **15490501-CH Zoning Application Packet_Part2.pdf**
>
> Regards,
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
> For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

--

Scott Heidergott
Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | http://telluridefire.com/
PO Box 1645
131 West Columbia Avenue
Telluride, CO 81435

Station: 970-728-3801
Fax: 970-728-3292

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, email or fax and return the original message to us at the above address via the US Postal Service. We will reimburse any costs you incur in notifying us and returning the correspondence. Thank you.

John Huebner <johnh@sanmiguelcountyco.gov>

RE: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

1 message

surveyfoley@gmail.com <surveyfoley@gmail.com> Wed, Jun 28, 2023 at 1:15 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

John,

I have no comments for this rezoning application.

J. David Foley

San Miguel County Surveyor

PO Box 825

Ophir, CO 81426

970-708-7633

From: John Huebner <johnh@sanmiguelcountyco.gov>
Sent: Friday, June 9, 2023 2:32 PM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Starr Jamison <starrj@sanmiguelcountyco.gov>; Janet Kask <janetk@sanmiguelcountyco.gov>; Bill Masters <billm@sanmiguelsheriff.org>; Kevin Chaney <kevinc@sanmiguelcountyco.gov>; David Foley <surveyfoley@gmail.com>; Mark Caddy <mark.caddy@state.co.us>; Gregory Powers - DNR <gregory.powers@state.co.us>; Reider - CDOT, Randee <randee.reider@state.co.us>; Wiley Freeman <wiley@smpa.com>; Scott Heidergott <sheidergott@telluridefire.com>; Elyssa Krasic <elyssa@fullcirclehoa.com>; Ron Quarles <rquarles@telluride-co.gov>; megan.eno@usda.gov; srobson@telluride-co.gov; John Pandolfo <jpandolfo@telluride.k12.co.us>; Sharon Grundy <sharong@sanmiguelcountyco.gov>
Subject: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

All,

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Regards,

15490497-CH Zoning Application Packet_Part1 (1)..

15490501-CH Zoning Application Packet_Part2.pdf

John Huebner
Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

1 message

Kevin Chaney <kevinc@sanmiguelcountyco.gov> Mon, Jun 12, 2023 at 2:59 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>
Cc: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Janet Kask <janetk@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, David Foley <surveyfoley@gmail.com>, Mark Caddy <mark.caddy@state.co.us>, Gregory Powers - DNR <gregory.powers@state.co.us>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Wiley Freeman <wiley@smpa.com>, Scott Heidergott <sheidergott@telluridefire.com>, Elyssa Krasic <elyssa@fullcirclehoa.com>, Ron Quarles <rquarles@telluride-co.gov>, megan.eno@usda.gov, srobson@telluride-co.gov, John Pandolfo <jpandolfo@telluride.k12.co.us>, Sharon Grundy <sharong@sanmiguelcountyco.gov>, Grace Franklin <gracef@sanmiguelcountyco.gov>

John,

Per Exhibit F, Expert Letter: Water and Wastewater – SGM:

"Similarly, however, at Article 2, Section 2-18 Sewage Treatment and Collection, feasibility as it relates to land area and necessary infrastructure was devised if an independent sewage package plant was necessary. Either scenario, a shared facility, or independent facility can be accommodated with the Alexander property development. Details would be provided with a future development application."

Standing by to provide input and/or regulate when details are provided. Most likely outcome: daily wastewater flow will be in excess of 2000 gpd and will fall under CDPHE Engineering Section jurisdiction.

Best,
Kevin

On Fri, Jun 9, 2023 at 2:31 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

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> Regards,
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John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

1 message

Powers - DNR, Gregory <gregory.powers@state.co.us> Mon, Jun 12, 2023 at 10:40 AM
To: John Huebner <johnh@sanmiguelcountyco.gov>

Hello John.

From a Division of Water Resources perspective, if the source of water for the project will be from an existing water service provider and within their approved capacity, there are no further requirements that need to be met. If wells or undecreed surface water were to be used, the appropriate permits and adjudications would be necessary. In the case of wells, a Court approved Augmentation plan would also be necessary.

Regards,

On Fri, Jun 9, 2023 at 2:33 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> All,
>
> Attached for your review and comment is an Application received from Michelle Haynes, Town of Mountain Village, on behalf of Alexander Ranch LLLP, owner of a 56.343 acre property in Ilium Valley and within the Telluride Regional area to Rezone the property from Forestry, Agriculture and Open (F) to Community Housing zone district (CH). Please provide comments by June 30, 2023 and let me know if you have any questions.
>
> **15490497-CH Zoning Application Packet_Part1 (1)...**
>
> **15490501-CH Zoning Application Packet_Part2.pdf**
>
> Regards,
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
> For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

--
Greg Powers
Well Commissioner
Division 4

970-249-6622 x4109
1541 Oxbow Drive, Suite 1625, Montrose, CO 81401
Gregory.Powers@state.co.us | https://dwr.colorado.gov/

John Huebner <johnh@sanmiguelcountyco.gov>

Fwd: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property

1 message

Roussin - CDOT, Daniel <daniel.roussin@state.co.us> Wed, Jun 14, 2023 at 12:57 PM
To: johnh@sanmiguelcountyco.gov
Cc: "Reider - Cdot, Randee" <randee.reider@state.co.us>

John - CDOT has reviewed the Zoning Application Packet for Alexander Ranch LLLP. CDOT has no comments on the zoning. However, once this has a land-use application, this will require a traffic study that Bechtolt Engineering stated in their memorandum dated February 27, 2023. CDOT concurs with the Bechtolt memo stating that this will require a traffic study - *"Quantifying and identifying measures of mitigation for these incremental impacts to the intersection will most likely be required by a subsequent Traffic Impact Study required by the Colorado Department of Transportation (COOT). This study would be provided with a future development application for the property as well as proposed safety improvements with that application."*

These safety improvements, identified by the future study will be completed with the additional new development. If the applicant (Village) can get other entities to contribute these safety improvements, then that is a more equitable way of handling the costs. CDOT has no way of mitigating issues from previous development. I suspect you already know this. This will be a challenge for the development team to get a more equitable means to handle the costs of the safety improvements.

If you have any questions, please let me know.

thanks

Dan

Dan Roussin
Program Administrator
Access Management Unit
Traffic and Safety Engineering Branch

COLORADO
Department of Transportation
Office of the Chief Engineer

P 303-757-9841 | C 970.216.3610 | F 303.757.9219
2829 W Howard Pl, Denver, CO 80204
daniel.roussin@state.co.us | www.codot.gov/ | www.cotrip.org

---------- Forwarded message ---------
From: **John Huebner** <johnh@sanmiguelcountyco.gov>
Date: Fri, Jun 9, 2023 at 2:33 PM
Subject: SMC Agency Referral: Town of Mountain Village- Community Housing Rezone of portion of Alexander Ilium Property
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Janet Kask <janetk@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Kevin Chaney <kevinc@sanmiguelcountyco.gov>, David Foley <surveyfoley@gmail.com>, Mark Caddy <mark.caddy@state.co.us>, Gregory Powers - DNR <gregory.powers@state.co.us>, Reider - CDOT, Randee <randee.reider@state.co.us>, Wiley Freeman <wiley@smpa.com>, Scott Heidergott <sheidergott@telluridefire.com>, Elyssa Krasic <elyssa@fullcirclehoa.com>, Ron Quarles <rquarles@telluride-co.gov>, <megan.eno@usda.gov>, <srobson@telluride-co.gov>, John Pandolfo <jpandolfo@telluride.k12.co.us>, Sharon Grundy <sharong@sanmiguelcountyco.gov>

All,

Attached for your review and comment is an Application received from Michelle Haynes, Town of Mountain Village, on behalf of Alexander Ranch LLLP, owner of a 56.343 acre property in Ilium Valley and within the Telluride Regional area to Rezone the property from Forestry, Agriculture and Open (F) to Community Housing zone district (CH). Please provide comments by June 30, 2023 and let me know if you have any questions.

15490497-CH Zoning Application Packet_Part1 (1)...

15490501-CH Zoning Application Packet_Part2.pdf

Regards,

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

3 attachments

Referrallist_TMV_Rezone_Alexander Property_ 6.9.23.pdf
231K

TMV.Parcel 1 Alexander Property 5.31.23 (signed) revised.pdf
233K

Bechtolt Traffic Summary Feb 27 2023.pdf
1217K

BECHTOLT
ENGINEERING
3059 Main Avenue
Durango, CO. 81301
970-259-7534
7550 West Yale Avenue
Lakewood, CO 80227
720-212-0186

February 27, 2023

Michelle Haynes, MPA
Assistant Town Manager
Town of Mountain Village
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435

Subject: Rezone Application – Town of Mountain Village Community Housing
Traffic Review

Ms. Haynes,

Bechtolt Engineering has reviewed the proposed rezoning of the forestry/agriculture Ilium Property to Community Housing. This letter summarizes our traffic operations and safety review of the proposal in accordance with Section 5-1803 C of the *San Miguel County Land Use Code*.

The parcel is located adjacent to San Miguel County Road 63L (Ilium Road) which will provide access to the project. The project's primary access to the State Highway system will be via the existing State Highway 145/Ilium Road intersection. Ilium Road and its intersection with S.H. 145 currently serves mixed land uses including the San Miguel County Sheriff's office, heavy industrial uses (gravel pit), light industrial, and residential.

The rezoning of the parcel to Community Housing will generate additional vehicular trips, primarily Passenger Cars with a few Single Unit trips for delivery vehicles and/or multi-modal vehicles. Ilium Road is currently a paved two-lane roadway. Any traffic safety or operational impacts to Ilium Road will most likely be minor and should be mitigable with minor correction.

The intersection of Ilium Road and State Highway 145 presents several challenges. The existing S.H. 145/Ilium Road intersection is a "T" single approach configuration with two lanes on S.H. 145 and an entering left turn deceleration lane to Ilium Road. The existing Ilium Road approach to the intersection may present safety and operational issues because of its horizontal and vertical alignments. It appears that the traffic currently generated by the existing land uses would most likely warrant additional auxiliary lanes at the intersection in accordance with the *State Highway Access Code*. Safety and operational issues created by the traffic generated by the Community Housing project will be incremental to those currently being caused by existing traffic. Quantifying and identifying measures of mitigation for these incremental impacts to the intersection will most likely be required by a subsequent Traffic Impact Study required by the Colorado Department of Transportation (CDOT). This study would be provided with a future development application for the property as well as proposed safety improvements with that application.

Based upon this review, it appears that, with proper analysis and engineering, all traffic and safety impacts created by the project should be mitigable. Please let me know if you have any questions or comments.

Sincerely,

RDBechtolt

Richard D. Bechtolt, P.E.
Bechtolt Engineering, Inc.

TOWN OF TELLURIDE

Building and Planning Department
Ron Quarles, Director

June 28, 2023

John Huebner, Senior Planner
San Miguel County Senior Planner

Delivered via email to: John Huebner (johnh@sanmiguelcountyco.gov)

RE: Request for CH Rezoning of Alexander Property. Ilium Valley

Thank you for the opportunity to review this application by the Town of Mountain Village to rezone Parcel 1, Alexander Property from the Forestry/Agriculture Zone to the Community Housing (CH) District.

The Telluride Planning and Building Department has no comments or concerns. The requested CH zoning supports efforts to accomplish the "deed restricted employee housing" designated for this area by the Telluride Regional Area Master Plan.

Thank you again for the opportunity to review this application.

Respectfully,

Ron Quarles
Telluride Planning and Building Director

CC: Scott Robson, Town Manager
Kevin Geiger, Town Attorney
Lance McDonald, Program Director

113 W. Columbia Avenue ● P.O. Box 397 ● Telluride, CO 81435 ● (970) 728-2170 ● Facsimile (970) 728-3078

John Huebner <johnh@sanmiguelcountyco.gov>

Rezoning of Alexander Property

1 message

Kara Bagnall <kara_benz@hotmail.com> Wed, Jun 28, 2023 at 8:10 AM
To: "bocc@sanmiguelcountyco.gov" <bocc@sanmiguelcountyco.gov>, "planning@sanmiguelcountyco.gov" <planning@sanmiguelcountyco.gov>

Dear San Miguel County Planning and County Commissioners,

I am writing in regards to the Town of Mountain Village's application to rezone a forestry and agriculture area to a community housing zone for the Alexander Property in Ilium Valley. My name is Kara Bagnall and I am a home owner and full-time resident in Two Rivers, with my husband and 3-year-old daughter. I have lived in Telluride since 2008, I work as a teacher at the Telluride Elementary School. As a middle-class worker in Telluride, I understand the need for more work force housing, and I am in agreement that our community needs more affordable housing. However, I am extremely concerned about the high density for this proposed development in this location, and the impact it would have on the environment, wildlife migration, water, wastewater treatment, and traffic/road safety.

It is my understanding the Town of Mountain Village is anticipating a density of 100-300 units on the Alexander Parcel in Ilium valley, if rezoned to community housing. That is an extremely high density in such a small, narrow valley on a steep hill side, along a riparian zone. The geographics of this valley is not the place for such a high-density development. This is a riparian zone that provides an outsized benefit to surrounding ecosystems. This large of a development and high density would negatively impact wildlife migration, and the riparian ecosystem. Development of riparian zones for housing often causes removal of vegetation and alters stream banks. These changes can increase the intensity of floods, increase the direct input of pollutants to water, and decrease wildlife, (Utah State University, 2020). This parcel of land is also a floodplain, and there are geotechnical hazards as stated in the letter of request from TMV.

With 100-300 units, and an estimated 3 people living in each unit, that is 300-600 more people in Ilium Valley. I am worried how this small, narrow valley can support and sustain that many more people for water, and waste water treatment. Our waste water treatment plant for Telluride is already over capacity. I am also concerned how water would be served to 600 more people safely, efficiently, and reliably.

Another concern is the traffic, road safety, and carbon emissions. Considering most households have 2-3 cars one for each person, that is 300-600 more cars on the road, that is going to increase carbon emissions, and increase traffic flow into Telluride and Mountain Village. Currently a 10–15-minute commute from Ilium to Telluride, takes 30-40 minutes between 7:40-8:00am during school days due to traffic congestion. More traffic also means more accidents and safety concerns on Keystone Hill and Lawson Hill. I know the argument to this is, public transportation. The Smart Bus stop is right outside our house, and unfortunately it is empty 95% of the time. The other 5% there are about 2-3 people on the bus. The reality is, most people drive their own cars. Increasing the number of cars commuting will increase carbon emissions which will negatively impact our environment, traffic congestion, and road safety.

It's disappointing that the most recent development plans for Mountain Village on the PUD Property, the density was cut in half due to neighbors not wanting high density. So now that density needs to be reallocated, but rezoning a forestry and agriculture zone that includes a riparian, and wildlife zone is not the right place for a high-density development. I would be in favor of rezoning the Alexander Parcel of land, only if the density were lower. Having a development of 30-50 units feels much more sustainable than 100-300 units.

The concerns that must be addressed for the development of this size to take place in this particular landscape are water, wastewater treatment, access/transportation, floodplain, geotechnical hazards, wetlands, wildlife migration, and environmental impact/carbon emissions. There are way too many hazards and concerns for me to support the rezoning of the Alexander parcel in Ilium Valey for a high-density development. I am a proponent for affordable housing, but not when there are this many hazards and concerns at stake. If our community protected the Valley Floor for environmental reasons such as to sustain and protect riparian, wetland zones, and wildlife migration, then why would it be ok to rezone a forestry and agriculture zone for a high-density development, just a few miles downriver of the Valley Floor?

Thank you for your time and consideration.

Regards,

Kara Bagnall

Kara_benz@hotmail.com
751 Two Rivers Drive
Telluride CO, 81435

To: Michelle Haynes, Alexander Ranch Properties LLC, and anyone else who is dedicated to this project

6/29/23

I am writing this letter with a relative sense of futility, but I am submitting it nonetheless because I believe that I at least owe it to the land to speak my piece. While I am not generally opposed to affordable housing projects in our community, I am fundamentally opposed to this proposal to gouge a pristine parcel of land in a wildlife corridor simply to offset the poor decision making that has become a hallmark of our local government in regards to housing in this community. My concerns are as follows:

- The addition of this many housing units is going to create an inevitable need for a different structure for traffic entering and exiting Ilium Valley. It is already challenging enough to safely get out of here and transport children to and from school without adding that many vehicles to this road. The turnoff onto Ilium Road is dangerous enough as it is with only a small turn lane and cars rushing past at high, irreverent speeds. This increase in housing is almost certainly going to require a tremendous amount of time, money, and inconvenience in order to create adequate transportation.
- The environmental impact that this project is going to have is simply disgusting. Part of the magic of this area is that it is still a sanctuary for silence seekers and naturalists and corridor for wildlife and we are increasingly encroaching upon these natural habitats with no regard for the impact of these decisions. I do hope that a thorough environmental impact study will be conducted before we move forward with gutting yet another treasured part of this land. Not to mention the noise pollution, light pollution, and the overall impact of increased density and congestion on water supply , waste management, and sewage. Has anyone ever read The Lorax????
- Here's a thought – if we could start to work upstream and make different decisions about our priorities in this town and address the more pervasive issues such as short-term rentals and permitting this town to be sold out part and parcel to investors and second home owners and people who view this town as a commodity rather than a community, then perhaps we

wouldn't have to be stuck in this cycle of scrambling to build affordable housing to offset the lack of affordable housing that we helped to create. Because as long as we allow ourselves to be convinced that we "need" more high-end hotels and luxury housing so that realtors can keep cashing big paychecks, the more housing we will have to build to keep up with this demand. And if we can be honest, when we are talking about the wages that entry level and mid-management employees in this town are making in accordance with the cost of living, then it's not really affordable housing, it's indentured servitude. What if we found a satiation point? What if we had a moment of contentment as a community where we were able to recognize that we have enough. Enough money, enough hotels, enough profit, enough homes. There is more than enough housing in this community to house everyone who actually works, contributes, and makes a living in this community. We have enough.

So, I think that it's clear where I stand. If you have read to this end, then I appreciate your time. I do implore the powers that be to consider the impact that this building project is going to have on the land, the traffic, and the people who reside here. More than that, I implore you to begin to examine the true motivations behind these decisions and commit to exploring some different options and decisions in prioritizing what is true and honest and good about this community. It's really sad what is happening here, but it doesn't have to be that way. People can care enough to change it.

Regards,

Rae Centanni Shaffner

gypsy.raerae@gmail.com

225-571-4404

911 Two Rivers Dr

Telluride, CO 81435

John Huebner <johnh@sanmiguelcountyco.gov>

Alexander property

1 message

s harris <skotty2wo@gmail.com> Fri, Jun 30, 2023 at 9:49 AM
To: johnh@sanmiguelcountyco.gov

I did not see any links etc for public comment.
As a resident of the Ilium valley, I would have to say that I am strongly opposed to the rezoning of the Alexander property.

The density being considered for that area does not seem at all reasonable, taking up a huge amount of the river corridor and wildlife pathways. I do not believe that the area would retain any of it's wild properties, if used for housing projects. There are multiple concerns that come to mind, as far as water/wastewater, river pollution, wildlife displacement, traffic congestion, trash disposal, loss of open space - just to get started...

Please add my name and comments to the list of those opposed to rezoning this property for development usage at this scale.

Thank you,
Scott Harris
918 Two Rivers Dr

John Huebner <johnh@sanmiguelcountyco.gov>

Re: Alexander project

1 message

mhstelluride@gmail.com <mhstelluride@gmail.com> Wed, Jul 5, 2023 at 3:55 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

Sure no problem.
Robert Szigeti

Sent from my iPhone

> On Jul 5, 2023, at 1:33 PM, John Huebner <johnh@sanmiguelcountyco.gov> wrote:
>
> Thank you for your comments. Would you like to include your name with these?
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
> For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan
>
> On Fri, Jun 30, 2023 at 8:27 PM <mhstelluride@gmail.com> wrote:
>> Why is this are is any different then the valley floor. This construction would cost more that on the valley floor giving the location. Are they adding a roundabout in the intersection or a turn out lane ?
>> I don't think it would be a good place for this.
>> My opinion we need to do it on a little section of the valley floor, the part that closer to Conoco.
>> Best
>>
>> Sent from my iPhone

John Huebner <johnh@sanmiguelcountyco.gov>

The Mountain Lodge Telluride

1 message

Steve Togni <stogni@mountainlodgetelluride.com> Thu, Jul 6, 2023 at 10:16 AM
To: "planning@sanmiguelcountyco.gov" <planning@sanmiguelcountyco.gov>
Cc: Huascar Gomez <hgomez@mountainlodgetelluride.com>

Good morning San Miguel County Planning. The Mountain Lodge strongly supports the Town of Mountain Village application to San Miguel County with regards to consideration of rezoning the “Alexander Property” in Ilium from agriculture to a Community Housing District. It is our belief that the most serious issue impacting our community continues to be the lack of deed restricted workforce housing. The rezoning of this land will add a significant portion of new land to the required workforce housing needs of today and tomorrow.

Thank you for your consideration.

Steve Togni

Managing Director

MOUNTAIN LODGE TELLURIDE

457 Mountain Village Blvd., Telluride, CO 81435

(O) 970-369-6011 **(F)** 970-369-4317

AGENDA ITEM 4.a

TITLE:
Applicant: Thor Energy PLC
Location: "Groundhog" and "Section 23" areas on Bureau of Land Management (BLM) public lands located off U29W in northwest San Miguel County, 28 miles SW of Naturita, CO
Parcel size: 1.64 acres of disturbed project area
Zone District: West End (WE)
Proposal: Wedding Bell Project Phase II - Conditional Uses on Federal Lands, Mining Special Use Permit - exploratory drilling for mineral exploration / MOTION

Presented by:
Time needed:

PREPARED BY:
John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Packet Materials -Thor Energy PLC Wedding Bell PhII Project Mineral Exploration 7.13.23.pdf

Description:

PUBLIC MEETING RECORD
County Planning Commission
Application: Thor Energy, PLC c/o Standard Minerals, Inc
West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit for the Wedding Bell/ Radium Hill Project
Date: July 13, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).

2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).

3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 13, 2023.

4. Application and Supplements submitted by Jim Guilinger, Thor Energy, PLC dated May 9, 2023.

5. Email from Nicole Galloway Warland, Applicant, to John Huebner, Senior Planner, dated June 26, 2023

6. Applicant's Certification of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 30, 2023.

7. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on June 28, 2023.

AGENCY COMMENTS

8. Email and Memo from Nicola Kerr, Planning Technician, to Review Agencies dated May 31, 2023.

9. Email from Tony Bonacquista, Colorado Parks and Wildlife, to John Huebner, Senior Planner dated June 26, 2023.

10. Email from Starr Jamison, San Miguel County Natural Resources, to John Huebner, Senior Planner, dated June 28, 2023.

11. Email from Ryan Righetti, San Miguel County Road and Bridge, to John Huebner, Senior Planner, dated June 28, 2023.

PUBLIC COMMENTS

12. Letter from Mason Osgood, Sheep Mountain Alliance and Jennifer Thurston, INFORM to Planning Commission dated July 6, 2023.

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Thor Energy PLC – Wedding Bell Project Phase II, West End (WE) Zone District, Conditional Uses on Federal Lands, Mining Special Use Permit - exploratory drilling for mineral exploration
DATE: July 13, 2023

Proposal
Jim Guilinger, Project Geologist, has submitted an application on behalf of Standard Minerals Inc., c/o Thor Energy PLC, (Applicant), that seeks a Mining Special Use Permit for mineral exploration from drill pads on its unpatented federal mining claims under Bureau of Land Management (BLM) federal public lands in northwest San Miguel County near the Montrose County line. The Wedding Bell Project is in the "Groundhog Area" and Section 23 Area" are accessed off County Road U29. There are nineteen (19) exploratory drill sites identified at the project location for the purpose of discovering uranium. The drilling program includes developing up to nineteen (19) drill pads, each measuring about 50 feet by 50 feet. The project area comprises BLM lands only and as such requires federal and state permit applications. The project plans to use existing routes on BLM public land, and the limited development of temporary driveways to access drilling sites.

Project Design and Impact Minimization
The drilling program is designed to minimize new surface impacts within the project area. Development of temporary access routes to drill pad sites is limited. The location of drill pads favor areas that are level or previously disturbed and cleared. This site planning reduces dirt work required to prepare access routes and drill pads, simplifies project reclamation, and minimizes the overall footprint and impacts from this project (Impact calculations below)

Infrastructure Component	Number/Linear Feet	Acres	Comments
BLM Land			
Drill pads	19	1.09	50x50ft (47500sf)
Take-off Access routes	2400	0.55	10 ft nominal width
Project Total		1.64	

Access
Access to the project site is planned from County Road U29W. Minor road improvements are planned along a 2000-foot section of existing road to the Section 23 drill sites. No County roads will require maintenance.

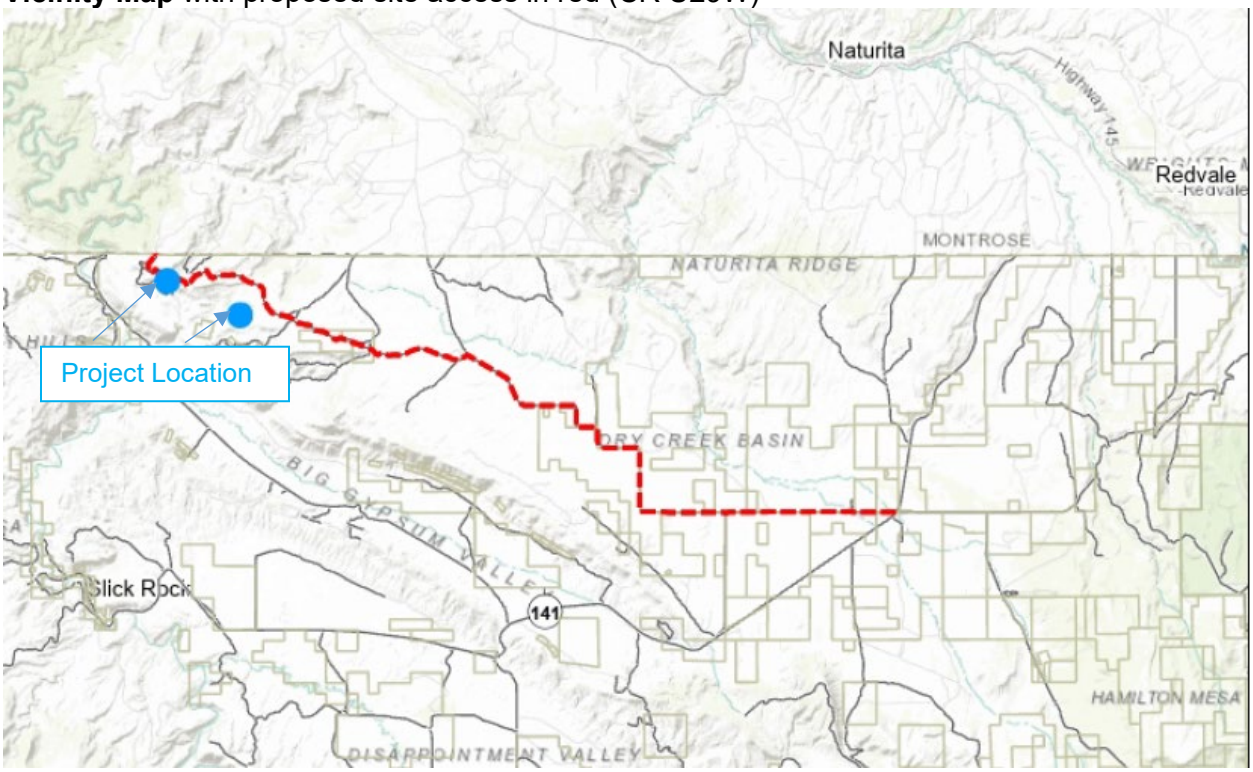
The take-off access routes on existing unimproved roads to the drill sites will be used. The routes will have with a nominal width of 10 feet in order to make thempassable for a standard four-wheel drive pickup truck, ATV and track/wheel/skid mounted drill rig.

Drilling Pads and Staging
Minimal drill pad preparation (brush clearing) plus digging is planned. A one-foot depth of topsoil will be removed for drill pads and stored on site. Drill pads will have a maximum dimension of 50x50 feet to accommodate the storage of topsoil and off-road parking.

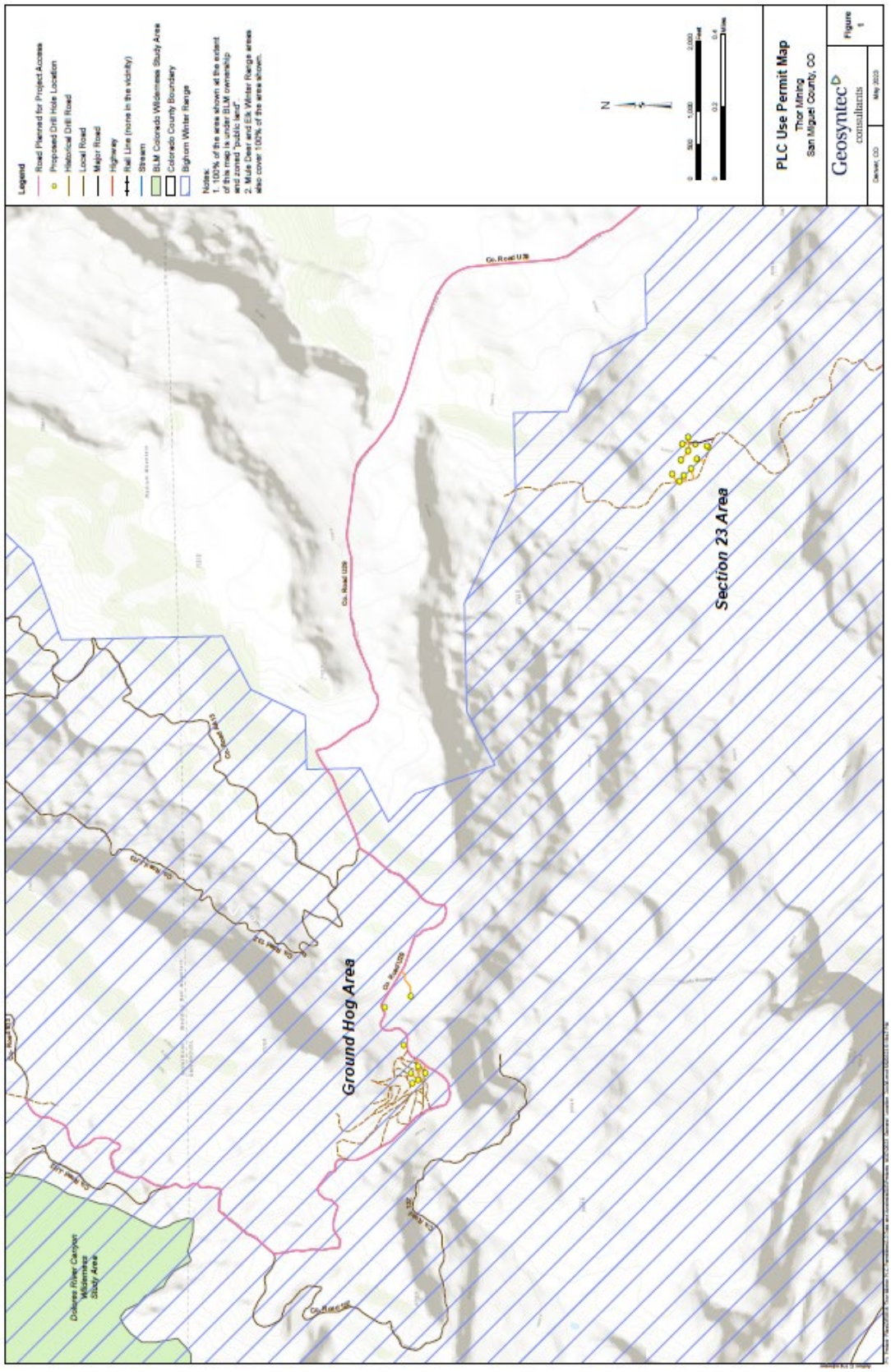
Each drill pad will have a sump pit, approximately 10 feet by 12 feet and 6 feet deep, located on site to retain drill cuttings and drilling mud from drilling operations, and to allow for infiltration of water into the ground. Each sump will be fenced with temporary plastic fencing until reclamation is completed.

Vicinity Map

Vicinity Map with proposed site access in red (CR U29W)



Site Map


Legend
Road Planned for Project Access
Proposed Drill Hole Location
Historical Drill Road
Local Road
Major Road
Highway
Rail Line (none in the vicinity)
Stream
BLM Colorado Wilderness Study Area
Colorado County Boundary
Bighorn Winter Range
Notes:
1. 100% of the area shown wi this extent of this map is under BLM ownership and zoned "public land".
2. Mule Deer and Elk Winter Range areas also cover 100% of the area shown.
N
PLC Use Permit Map
Thor Mining
San Miguel County, CO
Geosyntec consultants
Figure 1
Ground Hog Area
Section 23 Area
Dolores River Canyon Wilderness Study Area
Co. Road 109
Co. Road 109
Co. Road 109
Co. Road 109

Project Operations
The following equipment will be used to conduct the exploratory drilling at Stateline:

- One (1) Schramm – Truck or track-mounted reverse circulation drill or equivalent
- One (1) Service/water truck
- Two (2) 4x4 pickup trucks

Hours of operation are expected to be 7 days per week, 12 hours per day during daylight. Personnel will use pickup trucks to access the drill pads. Only one water truck will be used to haul water as needed for drilling (once per 12-hour shift). The water source is not yet identified.

Nineteen drill holes will be drilled at the sites shown on in the attached Site Map. The 19 bore holes may be drilled to depths of 325 to 525 feet depending on the drill site requirements. The reverse circulation chip samples will be collected and removed from the site. Each cylindrical hole (6") in the ground drilled for the extraction of rock material (crushed "chips") does not constitute fracking or cause any other lateral void creation below surface, and neither pose a hazard or risk to water or surface resources. Once the hole is completed it will be plugged per Colorado State regulation.

Work activities for the project will be limited to a July– November operation window. This matches the limits requested by Colorado Parks and Wildlife to alleviate concerns regarding winter range for elk and deer and bighorn sheep.

A San-O-Let (or similar) will be placed at the drill site to minimize human waste, and all trash will be collected and removed regularly.

Reclamation
The total ground disturbance for this project is estimated to be 1.64 acres or less. Reclamation of drill pads and holes will occur following the closure of a drill pad. Drill pads will be regraded, the stockpiled top soil redistributed, and revegetated with a BLM-approved native seed mixture. All reclamation will conform to the specific guidance, protocols, and BLM, Colorado DRMS and County permit requirements.

For revegetation, a broadcast seeding method will be used and seed should be raked into seedbed to promote germination. The low yearly precipitation rate in addition to soil characteristics contributes to overall slow recovery of range health. The weed control plan includes the washing of vehicles prior to entering and leaving sites. Reclamation bonds will be held by BLM and DRMS, which will include a three to five year warranty period.

Required Permits
CDRMS and the BLM will coordinate the review of their respective NOIs and the posting of financial warranties for this project. The BLM examines the project application regarding access, archeological and cultural resources, surface disturbances, endangered species, and compatibility with existing uses. The applicant must comply with the Colorado Mined Land Reclamation Act and all applicable CDRMS rules and regulations.

Per the San Miguel County Land Use Code (LUC) Section 5-320 F. XVII "Conditional uses on federal lands (mining claims on BLM public lands) – mineral exploration, mining and logging, subject to applicable state and federal statutes and regulation", and LUC Section 5-320 F. XVI "…new commercial resource development and extraction operations and facilities", require Two-Step Special Use Permit Planning Commission and Board of County Commissioners review.

The following permits are required to be obtained by Standard Materials Inc. prior to commencing the proposed exploratory boring program:

1. San Miguel County Mining Special Use Permit
2. San Miguel County Road and Bridge Temporary Access Permit
3. U.S. Bureau of Land Management (BLM) Notice of Intent (for operations on BLM land)
4. Colorado Department of Reclamation, Mining and Safety (CDRMS) Notice of Intent(NOI)

Although the total project disturbance is 1.64 acres, the disturbed area for each individual site is less than one (1) acre, therefore the project will not require construction stormwater permits from the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD).

COUNTY REVIEW STANDARDS AND POLICIES

(Staff comments in italics)

The application shall be reviewed pursuant to applicable policies in LUC Sections 2-1 to 2-35 Land Use Policies, and to applicable standards in LUC Section 5-4, Areas and Activities of Local and State interest/"1041" Environmental Hazard Review, LUC Section 5-10, Special Uses; LUC Section 5-11, Conditional Uses on Federal Lands; LUC Section 5-16, Mining; and LUC Section 5-320 West End (WE). Areas of key concern include development of drill pads, erosion control, mitigation of impacts to wildlife and natural resources during drilling; and site reclamation.

SECTION 2-8: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of San Miguel County to prevent any use and development of land that may:

2-801 Unreasonably subject any person, or use, to natural or man-made hazards;
2-802 Unreasonably create or contribute to the danger of natural or man-made hazards that might affect lands or the use and development thereof;
2-803 Unreasonably subject other persons including the County to the risks and expenses necessary to mitigate hazardous conditions, respond to emergencies created by such conditions, or to rehabilitate any lands or improvements thereof;
2-804 Be unduly destructive to the natural resources of the County; or
2-805 Constitute a public or private nuisance.

SECTION 2-11: EROSION

It is the policy of the County to prevent the acceleration of the erosion of soil and rock and whenever possible maintain vegetative cover to minimize soil disturbance.

The applicant has included a Sediment Control Plan (Attachment I of application) to address erosion at drill pad sites. At the end of the project all disturbed areas will be reseeded with seed mix provided by the BLM in consultation with the County and CPW.

SECTION 2-16: WILDLIFE PROTECTION

It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.

2-1601
It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.

County staff recommends that access to the project should be from Montrose County from the north U29 to avoid all Gunnison Sage Grouse active leks and historic habitat.

SECTION 2-34: REVEGETATION WITH NATIVE SPECIES

It is the policy of the County to prevent weed infestation and to ensure that all surface disturbances, especially of topsoil, are revegetated with native species.

A plan and specification for weed management – clean equipment, etc. - is designed to meet BLM and CDRMS guidelines. The plan uses native species in a BLM approved seed mix. The plan includes storage of surface soils and their re-use.

SECTION 2-35: MINING AND MINERAL PROCESSING OPERATIONS

It is the policy of the County to permit commencement or expansion of Mining and Mineral Processing operations only in appropriate areas identified pursuant to the County Comprehensive Development Plan, with review, as appropriate, under Land Use Code Section 5-4 and CRS 24-65.1-101 et. seq., "Areas and Activities of State Interest," subject to adequate mitigation of environmental, noise, traffic, and other impacts of such activities.

The proposed project location is within the West End Zone District of San Miguel County. The purpose of the proposed project is for mineral exploration, which is consistent with the West End Zone District's purpose to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. The work will be consistent with the County Land Use Policies in Article 2 as detailed within this report. The potential environmental, noise, traffic, and other impacts are mitigated.

5-407 Wildlife Habitat Areas
This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards. The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wildlife to jump over or slip under the wires or rails.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.
II. Development shall be restricted to areas in which wildlife impacts can be minimized.
III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range.

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site- specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

The project area is located within mapped Deer and Elk and Bighorn Sheep Winter Range. The proposed project schedule will occur outside of the prohibited time period.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain Special Uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Review Procedures

X. All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

XI. All Special Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (pursuant to Section 5-26), shall comply with the standards in this section.

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and

proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;
2) Grading, drainage and stormwater management plan;
3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
5) Signage: see Section 5-704 standards;
6) Dust control plan;
7) A noxious weed control plan;
8) Wildlife Plan: see Section 5-407 A.XII.;
9) Additional permits as necessary from other agencies.
10) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

The application includes site maps of the project drill pad layout. No fencing plan, water/sewer plans, or building plans are applicable to this project. No

Additional permits from other agencies that are required for the use have been identified and contained within this report.

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is

to be established, and will also comply with all applicable requirements of the Code.

II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

a. In accordance with the County Master Plan;

b. Consistent with County Land Use Policies in Article 2;

c. Consistent with the purpose of the Zone District in which it is proposed to be located;

III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

IV. Essential for public convenience at the proposed location; and

V. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, as well as, the control and minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.

The proposed project location is within the West End Zone District and the land use is consistent with the purpose of the Zone District. The drilling program will be consistent with the County Land Use Policies in Article 2 as detailed within this report. No activities proposed for this exploratory boring program are anticipated to affect the access, functionality, safety or condition for any public land users. The impacted area will be reclaimed in a manner that protects public lands.

The proposed project is compatible with the character of parcels adjacent to the parcel in terms of appearance, scale and features.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

There are no segments of the existing public roads that will need maintenance prior to use by Standard Minerals for this project.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

A reclamation bond will be required as designated by the CDRMS to cover the cost of reclamation conditions and weed control.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General. This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents. This Section does not apply to Minor Facility Oil and Gas Exploration and Development on Federal Lands.

The Applicant acknowledges that the proposed use is wholly located on Federal lands.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties;

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

The use is designed, located and proposed to be operated to protect public health safety and

welfare.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

The applicant acknowledges that the exploratory drilling proposed at the Groundhog and Section 23 areas is subject to these standards.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

The proposed drilling project layout and design has been developed to minimize new surface impact within the project area. The use of existing routes and areas previously disturbed serve to minimize the volume of dirt work and overall project impact, and will simplify project reclamation. No new permanent road construction is proposed. Temporary access routes will be reclaimed. No county roads are impacted.

5-1603 Enforcement of State and Federal Regulations

In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

The project will conform to all Colorado Division of Mining, Reclamation, and Safety (DRMS) standards and to all BLM requirements.

5-1604 Traffic Impacts and Highway Access

Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

Traffic is limited to the project area. Project vehicles are sized to actively minimize impacts. An SMC Road and Bridge Temporary Access Permit is required.

5-1605 Additional Notice Requirements

In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

In addition to the notice requirement set forth in Section 3-9 of the Code, written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date is required to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property. There are no private property owners or municipalities within 1,500 feet or 3 miles respectively. Therefore, additional notice is not required.

SECTION 5-320 West End (WE) Zone District

5-320 A. Purpose

The West End (WE) Zone District is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimum public facilities and services and are considered premature for substantial development. Development activities in these areas shall be encouraged to preserve historical, archeological and natural resources and landmarks, while allowing individuals the right to farm and ranch, using the necessary resources desired and needed with as little intrusion as possible on property rights.

Development Permits are not required in the WE Zone District except for Oil and Gas Exploration and Development.

5-320 K. Review Standards for all WE Zone District Special Uses

All special uses shall:

I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;
II. Be consistent with and compatible with the character of the immediate vicinity of the

parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;

III. Be designed, located and operated so that the public health, safety and welfare will be protected;
IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;
V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;
VI. Not substantially adversely affect agriculture or ranching operations and residences;
VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and
VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.

The proposed project location is within the West End Zone District and the land use is consistent with the purpose of the Zone District. No activities proposed for this exploratory boring program are anticipated to affect the access, functionality, safety or condition for any public land users.

Public Noticing
A Notice of Public Meeting was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 28, 2023 for the Planning Commission public meeting to be held on-line and in person on Thursday, July 13, 2023. A Public Notice sign was posted at the intersection of SH 141 and CR 10R by the Applicant on June 23, 2023 for the Planning Commission public meeting; there were no accessible posting locations closer to the site that would have provided effective notice. No property owners other than the BLM are within 1,500 feet of the subject parcel.

Referral Agents
The application was referred to the County Manager, County Attorney, County Road and Bridge Director, County Natural Resources Director, County Sheriff, County Open Space and Parks Director, Colorado Department of Public Health & Environment, Colorado Division of Reclamation-Mining and Safety, Colorado Parks and Wildlife, US Bureau of Land Management (BLM) for review and comment. The application was also sent to the Information Network for Responsible Mining and Sheep Mountain Alliance.

Referral Agency Comments
Tony Bonacquista, Colorado Parks and Wildlife Nucla District Manager, states that the Stateline area provides habitat for numerous species and is mapped winter range for bighorn sheep and severe winter range for elk. The low yearly precipitation rate in addition to surface disturbance contributes to overall slow recovery of range health. It recommends that new routes be minimized to the extent possible and reclaimed. CPW recommends that historic roads be utilized to the greatest extent possible and that applicant reclaim all surface disturbances. CPW consistently recommends that no permitted activities occur from December 1 to April 30 in order to minimize impacts to wintering big horn sheep and elk.

Ryan Righetti, County Road and Bridge Director, states new access roads constructed by the applicant and that connect to the County Road U29W will require a temporary access permit and will need to be reclaimed

Starr Jamison, County Natural Resources Director, states that the proposed access to the project site is on County Road U29W from SH 141, and that route goes through Gunnison Sage Grouse occupied habit and active lek. The project site could be accessed from the north from Montrose County Road II13 and U29W.

Planning staff recommends that any SUP approval be conditioned so that all appropriate mitigation measures shall be taken to protect the Gunnison Sage-Grouse historic occupied habitat and active leks. Proposed activities are occurring outside the sensitive time periods for Gunnison Sage-Grouse

Public Comments
Mason Osgood, Sheep Mountain Alliance Executive Director, and Jennifer Thurston, Information Network for Responsible Mining Executive Director, commented that the proposed that the exploration project haul route (SMC U29 road) is within known Gunnison Sage-Grouse leks and within the 4-mile buffer zone and the increase in traffic would impact habitat areas. The Dolores NCA boundary is within a mile of Wedding Bell drill sites, and the project area has unsurveyed cultural and archaeological resources. Also, storm events require additional sediment fencing and hazardous materials need secondary containment and monitoring.

Sample Motion:
I move to recommend to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.
2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in

the BLM and CDRMS approval action.

7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to August 1 to October 30.
10. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
11. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
12. The revegetation plan shall include soil restoration and best practices to maximize available water.
13. Provide documentation regarding the water source(s) for the project.
14. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

May 9, 2023

Via email kayes@sanmiguelcountyco.gov

Kaye Simonson
Planning Director, San Miguel County Planning Department
333 W Colorado Ave, 3rd Flr
Telluride, CO 81435

Thor Energy PLC
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ARBN 121 117 673
ABN 58 121 117 673

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Australia (ASX): THR
USA (OTCQB listing): THORF

Directors:
Nicole Galloway Warland
Alastair Clayton
Mark McGeough

Subject: **West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit Application for the Wedding Bell/Radium Hill Project**

Submitted by: **Thor Energy, PLC c/o Standard Minerals, Inc**

Dear Ms. Simonson,

Enclosed is our application for a Mining Special Use Permit under San Miguel County Land Use Code Section 4-207 and Section 5-320 F. XVII for proposed Mining Exploration for the Wedding Bell Project in the "Groundhog Area" and for the "Section 23 Area" located on Bureau of Land Management (BLM) land. Payment of $1135 has been sent via FedEx from World Industrial Minerals in the form of a written check. The following attachments are included as part of this permit application:

A. Land Use Application Form
B. Pre-Application Conference Summary Sheet
C. Submission Requirements with Responses
D. Special Use Permit Map
E. Detailed Site Map for Groundhog Area
F. Detailed Site Map for Section 23 Area
G. Notice of Intent Submitted to Bureau of Land Management
H. Weed Management Plan
I. Sediment Control Plan
J. Dust Control Plan

Please do not hesitate to reach out with questions or comments.

Sincerely,

Jim Guilinger
Jim Guilinger
Project Geologist

Copies to: John Huebner, Nicole Galloway Warland, Tony Adkins, Jeff Kurtz, Sarah Walker

Attachment A
Land Use Application Form

LAND USE APPLICATION

SAN MIGUEL COUNTY – PLANNING DEPARTMENT

P.O. Box 548, Telluride CO 81435
Phone (970) 728-3083 www.sanmiguelcountyco.gov

Permit # _____
Project # _____
Received _____
Paid _____

Property Owner: Standard Minerals Inc. c/o Thor Energy, PLC

Mailing Address: 3500 Washington Ave, Suite 200, Houston, TX 77007

E-mail: nicole@thorenergyplc.com **Phone**: (303) 905 9820

Representative/Agent: Jim Guilinger

Mailing Address: N/A

E-mail: jimrg46@cs.com **Phone**: (303) 905 9820

Project Location/Address: San Miguel County approximately 28 miles SW of Naturita, CO

Parcel ID Number: N/A **Zone District:** West End

Project Title: Mineral Exploration at Groundhog Mine and Section 23

Describe your project:

Nineteen reverse circulation drill holes on the claims listed above are proposed to be drilled. No road building is contemplated. The drill site will be accessed via Colorado roads U29 then via existing dirt roads on BLM ground (see attached route). Drilling will be completed with a RC rig. Access to the site will be by pickup truck. Depth of the holes range from 325 feet to 525 feet.

Project Type (check all that apply)

☐ Special Use Permit – 1-step
■ Special Use Permit – 2-step
☐ Subdivision Exemption
☐ Subdivision
☐ Planned Unit Development
☐ Substantial Plat Amendment
☐ Substantial PUD Amendment
☐ Rezoning
☐ Land Use Code Amendment
☐ Master Plan Amendment

☐ Insubstantial Plat Amendment

☐ Insubstantial PUD Amendment

☐ Minor Amendment to Special Use Permit

☐ Right-of-Way Vacation

☐ Variance

☐ Area of Local/State Interest

☐ Scenic Foreground Overlay Review

☐ Major Review – Single Family Residence

☒ Mineral Exploration and Mining

☐ Logging

☐ Major Oil and Gas Facility

☐ Minor Oil and Gas Facility

☐ Temporary Use

☐ Flood Plain

☐ Wetland

☐ Other: _____

SUBMIT THE FOLLOWING:

☐ 2 sets of paper copies of all submittal requirements (refer to the Pre-Application letter for submission requirements)

☐ Complete Set of Electronic Files (25MB maximum per file)

☐ Legal Description

☐ Proof of Ownership

☐ Authorization of Representative if other than Owner

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of County and State Codes applicable to the proposed development, and all information requested by this document. I agree to abide by any and all conditions placed upon the proposed development by the Decision-Making Body. I also understand that if I violate any applicable provisions of County and/or State codes, I may be required to remedy such violation(s) through appropriate legal processes imposed by the County, including moving or removing structures and ceasing construction and/or uses,

Nicole Galloway Warland — Owner

5/9/2023 — Date

Jim Guilinger — Representative

5/9/2023 — Date

Attachment B
Pre-Application
Conference Summary Sheet

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

May 4, 2023

Jeff Kurtz Via email: jkurtz@geosyntec.com

Re: Pre-application Conference Summary - West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit

Dear Mr. Kurtz:

The purpose of this correspondence is to serve as a Pre-application Conference Summary, in accordance with San Miguel County Land Use Code Section 4-207, for the proposed Secondary Mining Exploration for the Wedding Bell Project in the "Groundhog Area" and for the "Section 23 Area" located on Bureau of Land Management (BLM) land. Based on our pre-application meeting, you are proposing up to eighteen (18) drill pads, each stepping out from the 2022 drill hole locations, for the purpose of exploring for uranium.

Per Land Use Code (LUC) Section 5-320 F. XVII "Conditional uses on federal lands – mineral exploration, mining and logging, subject to applicable state and federal statutes and regulation" requires a Two-Step Special Use Permit through the Planning Commission and Board of County Commissioners.

The application shall be reviewed pursuant to applicable policies in LUC Sections 2-1 to 2-35 Land Use Policies, and to applicable standards in LUC Section 5-4, Areas and Activities of Local and State interest/"1041" Environmental Hazard Review, LUC Section 5-10, Special Uses; LUC Section 5-11, Conditional Uses on Federal Lands; and LUC Section 5-16, Mining. Areas of key concern include use of and impacts on County roads; development of access roads, mitigation of impacts to wildlife and natural resources during drilling; and site reclamation.

Submission Requirements

See Attached ***Submission Requirements***

Review Standards

See Attached ***Review Standards***

Scheduling of Application Consideration

Please submit one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements. We may request additional paper copies if it is determined to be the best method to transmit the application to the Planning Commission. The Planning Department can then schedule the application for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date. This pre-application letter is valid for one year from date of letter.

Payment of $1135 for the Special Use Permit to San Miguel County must accompany the application for it to be considered complete (in accordance with Board of County Commissioners Resolution 2023-01). The applicant is responsible for reimbursement of all copy fees and County Designated Engineer review fees, which includes the initial review and any revisions.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge, County Natural Resources, County Open Space and Parks, County Sheriff, Colorado Department of Public Health & Environment, Egnar-Slickrock Fire Protection District, Colorado Division of Reclamation, Mining and Safety, US Bureau of Land Management, and Colorado State Parks & Wildlife. Other referrals will be determined upon receipt of the application.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

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

Sincerely,

John Huebner

John Huebner
Senior Planner

Attachments: Submission Requirements
Review Standards

Cc: Ryan Righetti, Road and Bridge Director
Starr Jamison, Natural Resources Director

SUBMISSION REQUIREMENTS

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

4-201 General

All applications for land use approvals shall include, at a 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

A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. 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, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

4-210 Revegetation Plan

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

4-211 Weed Control Plan

A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain Special Uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Review Procedures

I All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

II All Special Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (pursuant to Section 5-26), shall comply with the standards in this section.

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;
2) Grading, drainage and stormwater management plan;
3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
3) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
4) Signage: see Section 5-704 standards;
5) Dust control plan;
6) A noxious weed control plan;
7) Wildlife Plan: see Section 5-407 A.XII.;
8) Additional permits as necessary from other agencies.
9) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.

II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

a. In accordance with the County Master Plan;

b. Consistent with County Land Use Policies in Article 2;

c. Consistent with the purpose of the Zone District in which it is proposed to be located;

III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

IV. Essential for public convenience at the proposed location; and

V. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, as well as, the control and minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to

cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1003 Commencement of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval.

a. If the permittee has not obtained a Development Permit for the approved Special Use and/or commenced the use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use.

b. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

c. Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated.

d. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application, the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been granted a development permit and/or commenced, and identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

5-1004 Review of Approved Special Uses

5-1004 A. Annual Review.

I. An annual review by the designated review body shall be held one (1) year after the date of approval or amendment of a Special Use Permit.

II. Prior to the annual review, notice will be provided to the neighbors and individuals who have commented on the Special Use Permit application.

III. The review body may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the Special Use permit in the future.

5-1004 B. Extension of Approvals.

Prior to the expiration of the Special Use Permit, a request for extension of the approval may be submitted. Review of a request for an extension of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

5-1004 C. Discontinued or Abandoned Use.

If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be considered to be no longer in effect. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review prior to resumption in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review of Approved Special Uses set forth in 5-1003 I.

5-1005 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved Special Uses and Special Use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-1005 A. Standards

As requirements for approval, the proposed activity shall not:

I. Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;

II. Violate any Land Use Code standard;

III. Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and

IV. Increase the floor area of the use by more than two (2) percent or decrease the open space on the site by more than three (3) percent.

5-1006 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with

no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General

This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties; and

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

5-1603 Enforcement of State and Federal Regulations

In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

5-1604 Traffic Impacts and Highway Access

Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

5-1605 Additional Notice Requirements

In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

SECTION 5-4: AREAS OF STATE AND LOCAL INTEREST

5-405 Historic and Archaeological Resource Areas

5-405 A. Applicability

The development standards in this section apply to the following activities within Historic and Archaeological Resource Areas:

I. Development;

II. Changes in the amount or character of open space;

III. Exterior alteration or remodeling of any existing structure within the site, or any addition thereto;

IV. Demolition or destruction of structures or buildings within the site.

5-405 B. Persons responsible for activities listed in Section 5-405 A. shall:

I. Minimize damage to historic structures; and

II. Demonstrate that a proposal will enhance the meaning of a historic or archaeological site as representative of a period, style, occasion or unique activity.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their

habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
b. Fence is limited to 42: in height;
c. At least 12" between the top two wires or rails;
d. At least 16" between the bottom wire or rail and the ground;
e. Posts at minimum 16' intervals;
f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400'; and in swales and at stream crossing for easy wildlife passage.
i. Perimeter fencing of an entire parcel is discouraged.
j. As an exception to "wildlife friendly fencing" dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county's revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW "Fencing with Wildlife in Mind" guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.

II. Development shall be restricted to areas in which wildlife impacts can be minimized.

III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 D. Deer and Elk Migration Corridors

Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

I. Development blocking a corridor and preventing migration between summer and

winter ranges shall be prohibited.

II. Fences restricting deer or elk migration shall be prohibited.

5-407 E. Deer and Elk Production Areas

Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

I. Where no appropriate development site exists in a production area, development shall be prohibited.

II. Access shall be maintained for the Colorado Parks and Wildlife for trapping, tagging and studying wildlife.

III. Manipulation of vegetation shall be prohibited, except within a designated building envelope.

IV. Commercial and construction activity, recreational uses and off-road motorized activity shall be prohibited from May 1 through June 30. These dates may be modified upon Colorado Parks and Wildlife recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 F. Riparian Areas and Shorelands

Land uses located in riparian or shoreland areas shall comply with the standards in 5-407 A. and the standards in this section.

I. Development and the removal of vegetation and disturbance of ground cover within the riparian area shall be prohibited.

II. Culverts shall be designed to prevent plugging and washouts.

III. Culverts that may become barriers to fish passage shall be prohibited.

IV. Riparian and shoreland habitat areas that have been denuded or disturbed by development shall be revegetated in the first available growing season.

ARTICLE 2 LAND USE POLICIES

SECTION 2-8: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of San Miguel County to prevent any use and development of land that may:

2-801
Unreasonably subject any person, or use, to natural or man-made hazards;

2-802
Unreasonably create or contribute to the danger of natural or man-made hazards that might affect lands or the use and development thereof;

2-803
Unreasonably subject other persons including the County to the risks and expenses necessary to mitigate hazardous conditions, respond to emergencies created by such conditions, or to rehabilitate any lands or improvements thereof;

2-804
Be unduly destructive to the natural resources of the County; or

2-805
Constitute a public or private nuisance.

SECTION 2-11: EROSION

It is the policy of the County to prevent the acceleration of the erosion of soil and rock and whenever possible maintain vegetative cover to minimize soil disturbance.

SECTION 2-28: COMPATIBILITY WITH HISTORICAL AND ARCHAEOLOGICAL RESOURCES

It is the policy of the County to protect any sites, structures and surrounding areas determined to have historical or archaeological significance to the community, the region, or the State of Colorado from any destruction or alteration of the site, structure or surrounding area that would detract from its historical and archaeological significance.

SECTION 2-34: REVEGETATION WITH NATIVE SPECIES

It is the policy of the County to prevent weed infestation and to ensure that all surface disturbances, especially of topsoil, are revegetated with native species.

SECTION 2-35: MINING AND MINERAL PROCESSING OPERATIONS

It is the policy of the County to permit commencement or expansion of Mining and Mineral Processing operations only in appropriate areas identified pursuant to the County Comprehensive Development Plan, with review, as appropriate, under Land Use Code Section 5-4 and CRS 24-65.1-101 et. seq., "Areas and Activities of State Interest," subject to adequate mitigation of environmental, noise, traffic, and other impacts of such activities.

Attachment C
Submission Requirements
With Responses

ATTACHMENT C: SUBMISSION REQUIREMENTS WITH RESPONSES

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

4-201 General

All applications for land use approvals shall include, at a 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.

Response: See Attachments

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.

Response: Attached

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.

Response: Attached

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.

Response: No patented claims exist. All parcels are on BLM Land.

4-205 Legal Access

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

Response: See attached copies of Notice of Intent (NOIs)

4-206 Standards Report
A written report demonstrating that the proposed development complies with the applicable substantive review standards.

Response: Not Applicable

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.

Response: Attached

4-208 Site Plan
A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. 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.

Response: Attached

4-209 Copies of Application
During the pre-application conference the staff shall specify the number of copies of the application to be submitted, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

Response: One hard copy will be sent via first-class mail, including one copy of 24” by 36” maps, if applicable

4-210 Revegetation Plan
A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

Response: A one-foot depth of topsoil will be removed and replaced for drill pads. The drill pads will be reclaimed by putting back the materials that were initially moved to create them. For revegetation, a broadcast seeding method will be used and seed should be raked into seedbed to promote germination. The BLM approved seed mix is provided below:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana Jamesii) Viva, florets	2.47
Big sagebrush (Atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescenes) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Bottlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

4-211 Weed Control Plan
A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

Response: Attached

4-212 Employee Housing Mitigation Plan
A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Response: Not Applicable.

Review Standards
SECTION 5-10: SPECIAL USES

All Uses requiring One-Step and Two-Step Review shall comply with the standards in this section. Only the standards that required a response from Thor Mining are listed here.

5-1002 A. Application Requirements
All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;
Attached as applicable

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;
Not Applicable. See below for fences and signage.

c. Written Narrative explaining why the proposed site has been chosen, regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;
Attached as applicable. Days of operation will be limited to July-November to avoid sensitive species wintering timeframes. The take-off access routes on existing unimproved roads to the drill sites will be used. Hours of operation are expected to be 7 days per week, 12 hours per day during daylight.

d. Detailed plans, reports and specifications.
    1) Traffic and parking plan;
    Not Applicable

    2) Grading, drainage and stormwater management plan;
    Grading and drainage plans not applicable. See attached Sediment Control Plan. The disturbed area for the two sites is less than one acre, and the sites will not require construction stormwater permits from the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as stated in an email sent to project team members on February 8, 2022.

    3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
    Not Applicable

    4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
    Not Applicable

    5) Signage: see Section 5-704 standards;

Signs will be posted at all applicable county road junctions

6) Dust control plan;
   Attached

7) A noxious weed control plan;
   Attached

8) Wildlife Plan: see Section 5-407 A.XII.;
   See responses in Section 5-407

9) Additional permits as necessary from other agencies.
   Attached

10) Detailed engineered plans and specifications by a registered Colorado Professional
    Not Applicable

5-1002 B. Review Criteria
VI. Impacts on Surrounding Area
Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, as well as, the control and minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

Response:
Noise – The drill rig will generate some noise when in operation during the day, but the remote nature of the site indicates minimal impact.

Dust – The proposed reverse circulation drilling method uses water in the process, and no dust is expected to be generated other than that from daily travel to the site, partially on dirt roads. See attached Dust Control Plan.

5-1002 C. Public Facilities
Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

Response:
Roads – All vehicles are licensed for public roads, and no impacts to county roads are expected.
Solid Waste – A San-O-Let (or similar) will be placed at the drill site to minimize human waste, and all trash will be collected and removed.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

Response: A bond has been submitted to the State of Colorado with the NOI.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General

This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties; and

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

Response: Access to drill site will be restricted and away from public roads. Other than daily round trips from Naturita by 4 vehicles, all activity will occur on dirt drill roads located on BLM land. The intended work area is remote and located on BLM land.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust

control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

Response: Nineteen 325 to 525 feet deep vertical reverse circulation drill holes will be drilled at the sites shown on in the attached Site Maps (Attachments E and F). Reverse circulation chip samples will be collected and removed from the site. Once the hole is completed it will be plugged per Colorado State regulation.

The take-off access routes on existing unimproved roads to the drill sites will be used. Minor road improvements are planned along a 2000-foot section of existing drill roads to the Section 23 drill sites. Hours of operation are expected to be 7 days per week, 12 hours per day during daylight.

Minimal drill pad preparation (brush clearing) plus digging a 10 by 12 by 6-foot-deep sump on each 50 by 50-foot pad is planned. Each sump will be fenced with temporary plastic fencing until reclamation is completed.

All efforts will be made to minimize surface degradation of drill site access road and drilling site. Temporary plastic fencing will be placed around sumps until drilling is complete and sumps are filled in.

Regrading and Reshaping
Upon completion of the drilling the plastic fencing around the sump will be removed and the sump will be filled, and the site smoothed out with a blade.

Drill Hole Plugging
The drill holes will be plugged in accordance with Colorado State Regulations-closure standards. If groundwater is encountered the hole will be plugged according to Colorado State regulations. In addition, the drill hole will be plugged prior to the drill rig moving away from the drill site. If required for each hole neat cement grout will be tremied from the bottom to the top of the hole by use of a grout tremie line.

Revegetation
As noted in Section 4-210, the disturbed drill site areas will be revegetated utilizing a native seed bed mixture consistent with the local environment and approved by the BLM (see attached NOI with seed mix).

5-1603 Enforcement of State and Federal Regulations
In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

5-1604 Traffic Impacts and Highway Access
Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

Response: The vehicles to be used for the work are a Schramm – Truck or track-mounted reverse circulation drill or equivalent (licensed for public roads), a Service/water truck, and two pickups. A single daily round trip from Naturita to the site is planned.

5-1605 Additional Notice Requirements
In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

Response: Not Applicable – no residents within 3 miles

SECTION 5-4: AREAS OF STATE AND LOCAL INTEREST
5-407 Wildlife Habitat Areas
This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

Response: Existing wildlife habitat information is shown on the Special Use Permit Map. Land uses located in areas of state and local interests shall comply with Section 5-407 A. and the standards in this section.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Response: Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section. Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Response: Work activities will not be performed between December 1 and April 15.

5-407 D. Deer and Elk Migration Corridors

Response: Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

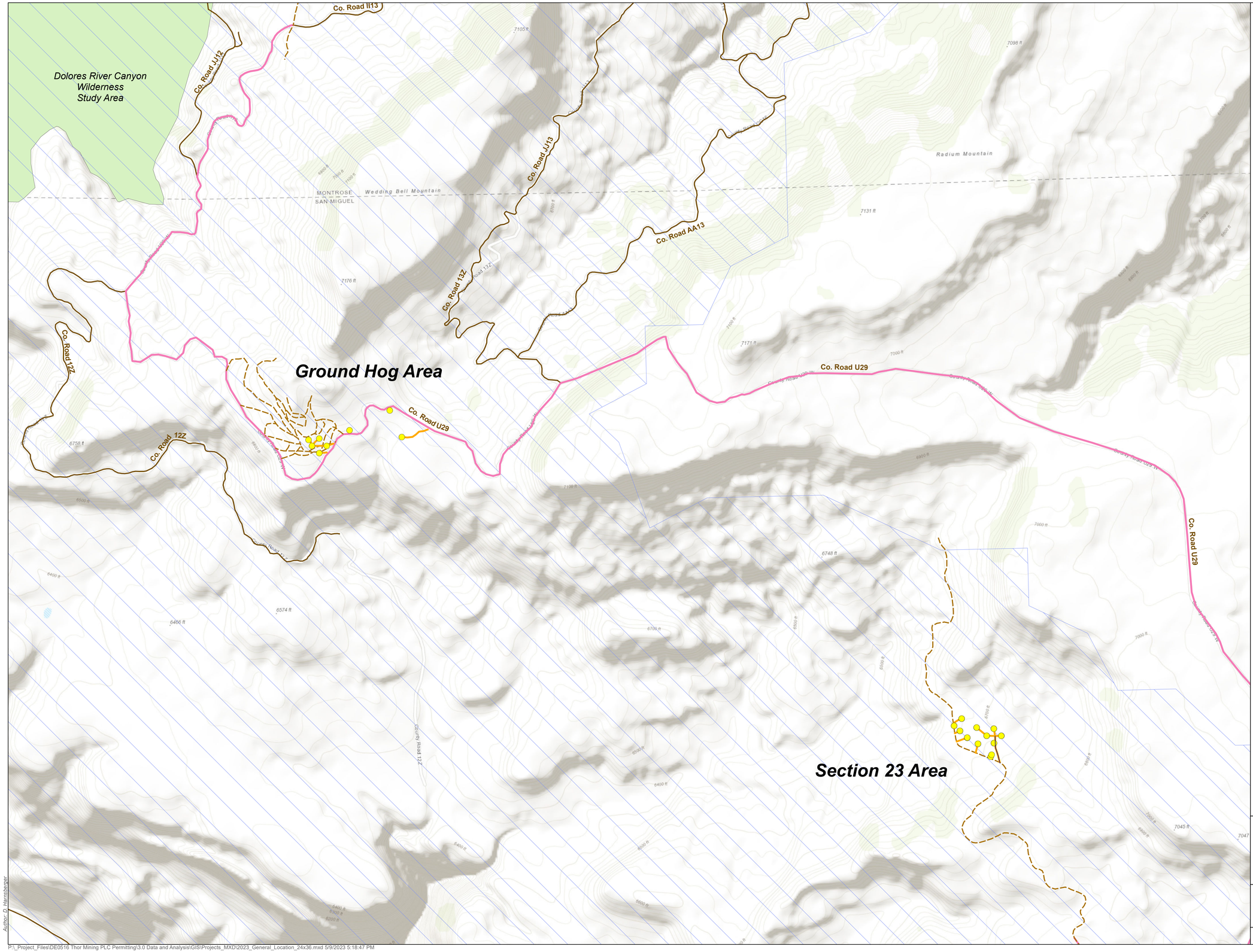
5-407 E. Deer and Elk Production Areas

Response: Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

5-407 F. Riparian Areas and Shorelands

Response: Not Applicable

Attachment D
Special Use Permit Map



Legend

- Road Planned for Project Access
- Proposed Drill Hole Location
- Historical Drill Road
- Local Road
- Major Road
- Highway
- Rail Line (none in the vicinity)
- Stream
- BLM Colorado Wilderness Study Area
- Colorado County Boundary
- Bighorn Winter Range

Notes:
1. 100% of the area shown at the extent of this map is under BLM ownership and zoned "public land".
2. Mule Deer and Elk Winter Range areas also cover 100% of the area shown.

N

0 500 1,000 2,000 Feet

0 0.2 0.4 Miles

PLC Use Permit Map

Thor Mining
San Miguel County, CO

Geosyntec consultants

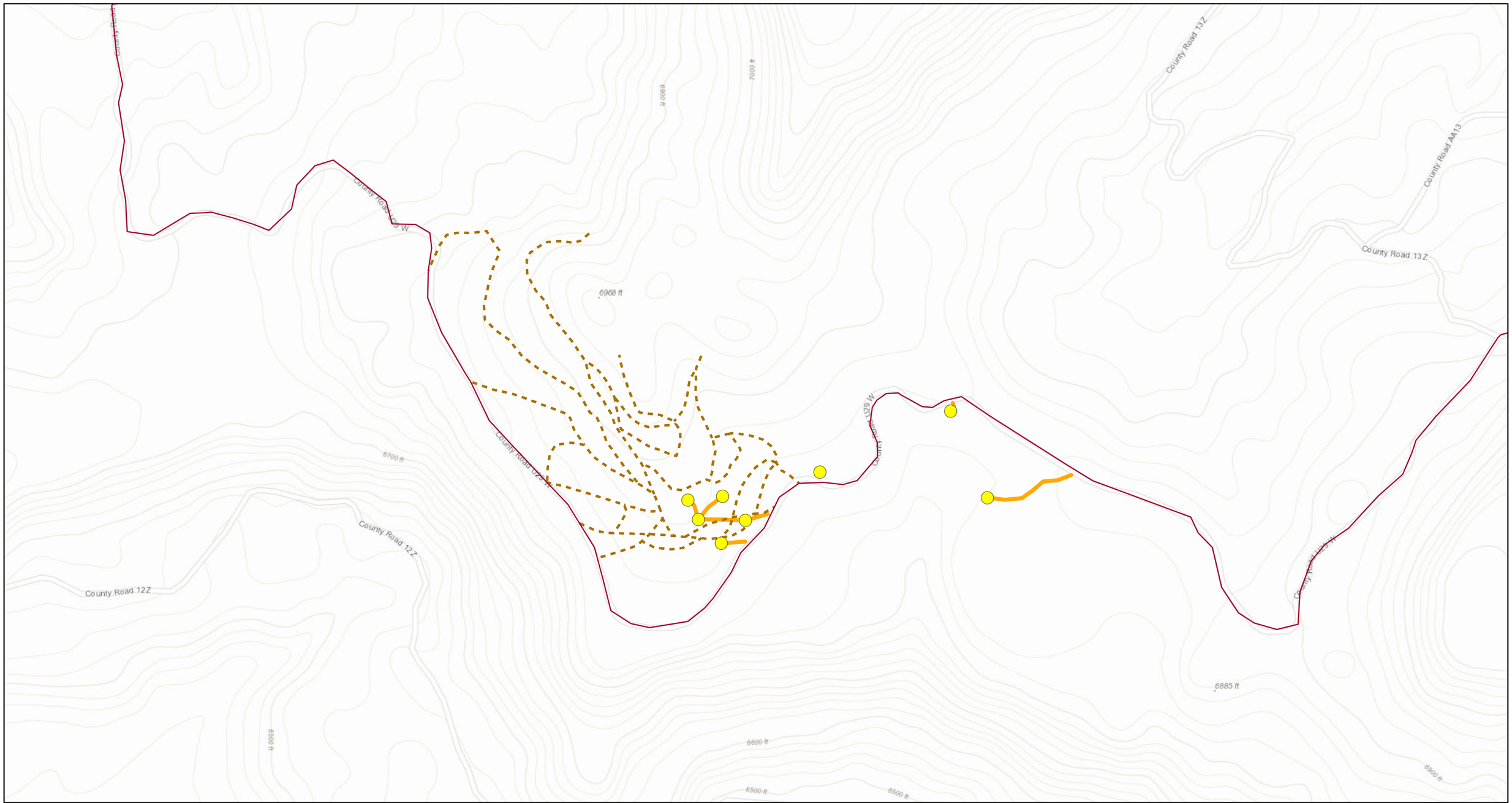
Denver, CO | May 2023

Figure 1

Author: D. Herzberger

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_General_Location_24x36.mxd 5/9/2023 5:18:47 PM

Attachment E
Detailed Site Map for
Groundhog Area



Legend

- Proposed Drill Hole Location
- Proposed Access Road
- Historical Drill Road
- Project Access

N

0 500 Feet

Detailed Map for Groundhog Area

San Miguel County, Colorado

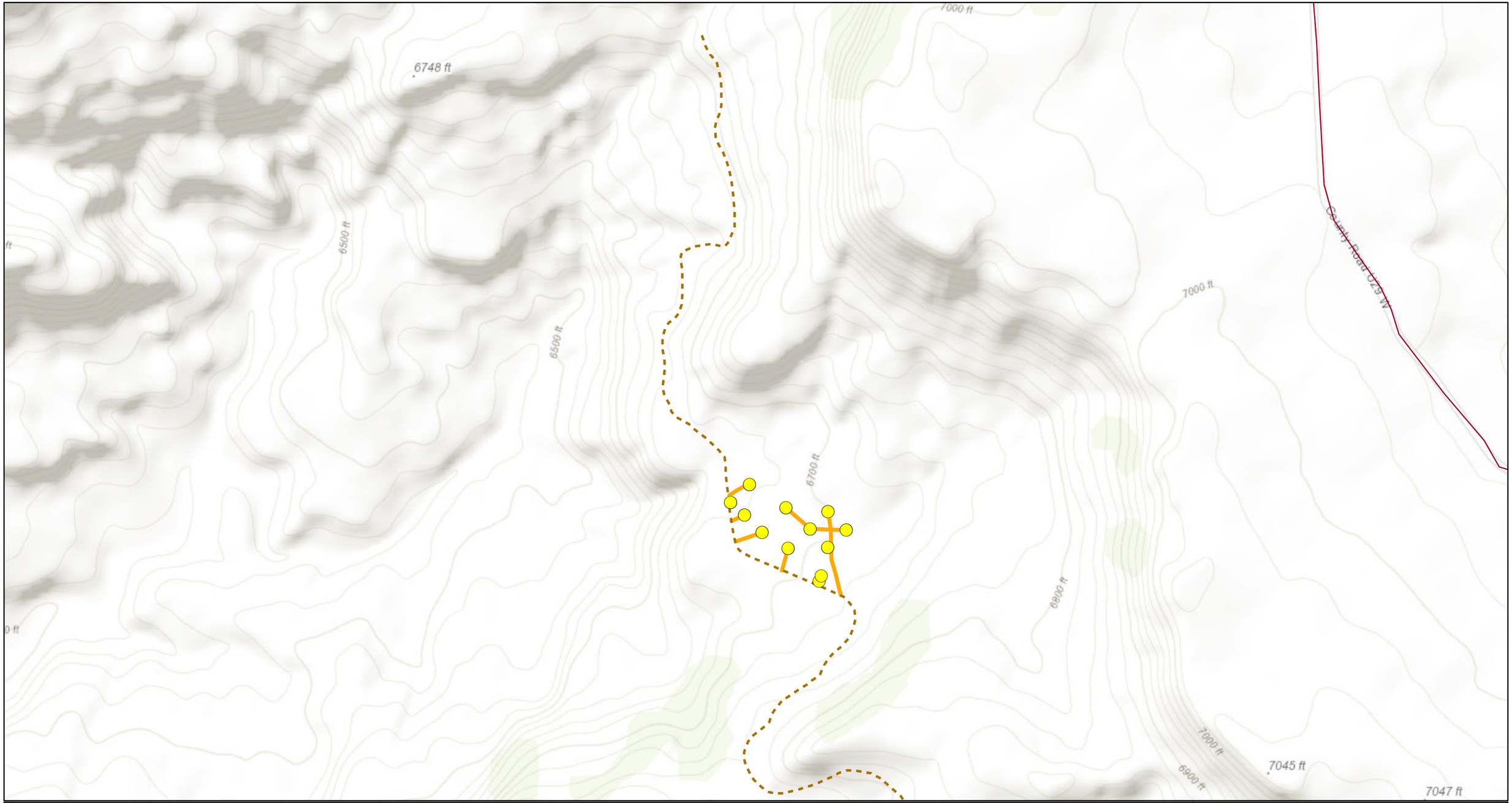
Geosyntec consultants

Lakewood, CO | May 2023

Figure 2

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_Groundhog_Area_for_application.mxd 5/9/2023 6:11:53 PM

Attachment F
Detailed Site Map for
Section 23 Area



Legend

- Proposed Drill Hole Location
- Project Access
- Proposed Access Road
- Historical Drill Road

N

0 650 Feet

Detailed Map for Section 23 Area

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2023

Figure 3

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_Section_23_Area_for_application.mxd 5/9/2023 6:13:32 PM

Attachment G
Notice of Intent
Submitted to Bureau
of Land Management

Anthony R. Adkins, P. Geol. LLC
Minerals Geologist

P.O. Box 864 29157 DD 31 Trl
Nucla, CO USA 81424
970.864.7205 H 970.462.5888 C
arapgllc@nntcwireless.com ·

1 May 2023

Mr. Derek Padilla
Acting Field Manager
Bureau of Land Management
Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323

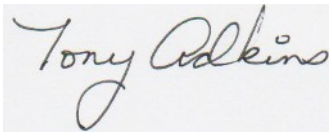
Dear Mr. Padilla

Please find attached a Notice of Intent to Operate application from World Industrial Minerals on behalf of Standard Minerals, to conduct mineral exploration activities on BLM lands in secs. 21 and 22, T.45N., R.18W., New Mexico Prime Meridian. Standard Minerals is owned by Thor Energy, an Australian company.

The activity will consist of the drilling of approximately 8 rotary drill holes with the expected depths between 325 feet to about 525 feet. Total surface disturbance, including temporary access roads to the drill pads will be approximately 0.70 acres. The project area is located in the Ground Hog mine area of San Miguel County.

Please let me know if you have any questions or comments.

Sincerely,



Tony Adkins
Geologist consulting to World Industrial Minerals
Nucla, CO

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

FOR HARD ROCK/METAL MINES

Form 1
All confidential and public information – For DRMS use and confidential filing

Form 2
Public information only - For public filing

GENERAL:

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

The New Law:

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.

C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and on non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

DEFINITION:

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or

otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" *(Rule 1.1.43)*.

APPLICATION FEE: $86

NOIs require an **$86** fee, which must accompany this notice or it cannot be processed by the Division *(C.R.S. 34-32-127(2) (a) (I) (K)).*

RECOMMENDATIONS PRIOR TO FILING:

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at http://mining.state.co.us In order to file your NOI properly it is recommended that you review the Act and;

Rule 1.1 Definitions
Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
Rule 3.1 Reclamation Performance Standards
Rule 3.1.6 Water-General Requirements ((4) & (5))
Rule 3.3.1 Operating without an NOI - Penalty
Rule 4 Financial Warranties
Rule 5 Prospecting Requirements

FILING REQUIREMENTS:

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee ($86); and

- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

New and Additional NOI Filing Requirements for Confidentiality Designations:

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.

2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

   The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.

4. All public portions of the submittal will be made available on the Division website and in the Division's public files.

5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

PROCESSING REQUIREMENTS:

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and

returned to the person or organization, if deficiencies are not corrected within 60 days of filing *(Rule 5.1.3).*

The New Review Process Regarding Confidentiality Designations

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

PROSPECTING ON FEDERAL LAND:

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

FINANCIAL WARRANTY:

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at http://mining.state.co.us .

PLAN MODIFICATIONS:

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for $86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause *(Rule 5.1.1)*.

ANNUAL REPORTS:

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of $86.00.**

RECLAMATION:

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.

AUTHORIZED SIGNATURE:

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

SUBMIT COMPLETED NOIs TO ONE OF THE OFFICES BELOW:

Denver Office (main):
Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203
Telephone: 303.866.3567
FAX: 303.832.8106

Grand Junction Field Office:
Division of Reclamation, Mining and Safety
101 South 3rd, Ste. 301
Grand Junction, CO 81501
Telephone: 970.243.6368
FAX: 970.241.1516

Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Form 1 (DRMS Use and Confidential File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS
FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** [ ] - [ ]

☑ **New** NOI

☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** [ ] - [ ]

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Groundhog Area)

3. PROSPECTOR:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

PERSON MLRB SHOULD CONTACT:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

3500 Washington Ave Suite 200	3500 Washington Ave Suite 200
Street	Street
P.O. Box	P.O. Box
Houston, TX 77007	Houston, TX 77007
City, State, Zip	City, State, Zip
(303) 905-9820	(303) 905-9820
Telephone	Telephone
(+61) (087) 324-1935	(+61) (087) 324-1935
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21&22 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ☑ NW ☑ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☑ NW ☑ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

28.0 miles to Naturita, CO located to the northeast. Elevation: 6870 feet

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 12 S 687955

Long: _____ Y: 4224000

6. LAND OWNERSHIP:

☐ Private ☑ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name **Standard Metals Inc.**

Address **3500 Washington Ave Suite 200**

City, State, Zip **Houston, TX 77007**

Telephone **(303) 905-9820**

Fax **(+61)** (087) 324-1935

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Groundhog-33	CMC 292191	T45N R18W Sec 21 NE NE

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency	Bureau of Land Management, Tres Rios Field Office
Address	29211 Highway 184
City, State, Zip	Dolores, CO 81323
Telephone	(970) 882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2023
   Completion: 11 / 30 / 2023

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 120 kg of cuttings for assay Units kg

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☐ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Eight reverse circulation or similar drill holes, with one to a depth of about 470 feet and the other seven to depths of about 325 feet, each using a 50x50 foot drill pad (1 foot deep). The eight drill sites will require sevenroad segments that range from 45ft to 425 feet and totals 1055 feet built along gently sloping ground.

Amount of material to be moved: 8 drill pads x 50ft x 50ft x 1ft deep = 740 cubic yards of material moved. The new roads would be 1055 ft long x 10 ft wide x 1 ft deep = 390 cubic yards of material moved. If overland travel on the natural surface is safe and possible, this is the preferred alternative to road building.

The grand total of material moved is 1,130 cubic yards.

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 8 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 8 Depth (ft) 360 Diameter (in) approx 5.5

C. Mud Pits

Quantity 8 Average Width (ft) n/a Average Length (ft) n/a Average Depth (ft) n/a

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

Drilling rig and water/service truck parked on site overnight until drilling completed.

G. New Roads:

Length (ft): 1055 Width (ft): 10

Significantly Upgraded Roads Length (ft): n/a Width (ft): n/a

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.70

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

none

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no draingage was observed from any mine openning.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See photos of all 8 drill sites in attached word document.

See list of BLM recommended seed types (including genus and species), to be used for reclamation, in item 7 below. Final seed mix may be slightly different due to suppliers and seed availability, but any mix will be approved by the Agencies

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

BLM Tres Rios Field Office recommends these data be determined with input given during the site visit with Federal and State personnel. (Source: item 3b. of BLM Tres Rios Field Office response to initial NOI (case file number COC-80448) application.)

The 8 drill pads and 1055 feet of new road will be reclaimed by putting back the 1,130 cubic yards of material that were initially moved to create them (see III. 5 above).

A one foot depth of topsoil will be removed and replaced for both roads and drill pads. The soil in this arid, desert environment is not indicative of true topsoils of more moist environments.

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to the surface. Plugging will occur upon the completion of each drill hole (after e-logging). See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules. As stated in item III. 6. K above, the bottoms of the drill holes will be above water table.

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is a drilling program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

Roads and pads will be regraded back to their approximate native contours, topsoil replaced and the disturbed ground will be harrowed/raked and reseeded. Blocking boulders, existing downed woody debris, and/or berms can be placed on the three new short road segments. If the road and pad grades are slight enough for safe travel, no material will be removed and traffic will move on the surface. During reclamation, overland traffic ways will be scarified to break compaction. Then the pads and roads will be harrowed/raked and seeded.

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana jamesii) Viva, florets	2.47
Big sagebrush (atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescens) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Botttlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

Broadcast seeding and seed should be harrowed/raked into seedbed to promote germination.

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector.

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Form 2 (Public File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS
FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** [ ] - [ ]

☑ **New** NOI

☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** [ ] - [ ]

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Groundhog Area)

3. PROSPECTOR:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

PERSON MLRB SHOULD CONTACT:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

3500 Washington Ave Suite 200	3500 Washington Ave Suite 200
Street	Street
P.O. Box	P.O. Box
Houston, TX 77007	Houston, TX 77007
City, State, Zip	City, State, Zip
(303) 905-9820	(303) 905-9820
Telephone	Telephone
(+61) (087) 324-1935	(+61) (087) 324-1935
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

28.0 miles to Naturita, CO located to the northeast. Elevation: 6870 feet

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 12 S 687955

Long: _____ Y: 4224000

6. LAND OWNERSHIP:

☐ Private ■ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name: Standard Metals Inc.

Address: 3500 Washington Ave Suite 200

City, State, Zip: Houston, TX 77007

Telephone: (303) 905-9820

Fax: (+61) (087) 324-1935

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Groundhog-33	CMC 292191	T45N R18W Sec 21 NE NE
Groundhog-35	CMC 292193	T45N R18W Sec 21 NE NE
Groundhog-37	CMC 292195	T45N R18W Sec 22 NW NW

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency: Bureau of Land Management, Tres Rios Field Office

Address: 29211 Highway 184

City, State, Zip: Dolores, CO 81323

Telephone: (970) 882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2023
   Completion 11 / 30 / 2023

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 120 kg of cuttings for assay Units kg

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☐ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Eight reverse circulation or similar drill holes, with one to a depth of about 470 feet and the other seven to depths of about 325 feet, each using a 50x50 foot drill pad (1 foot deep). The eight drill sites will require sevenroad segments that range from 45ft to 425 feet and totals 1055 feet built along gently sloping ground.

Amount of material to be moved: 8 drill pads x 50ft x 50ft x 1ft deep = 740 cubic yards of material moved. The new roads would be 1055 ft long x 10 ft wide x 1 ft deep = 390 cubic yards of material moved. If overland travel on the natural surface is safe and possible, this is the preferred alternative to road building.

The grand total of material moved is 1,130 cubic yards.

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 8 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 8 Depth (ft) 360 Diameter (in) approx 5.5

C. Mud Pits

Quantity 8 Average Width (ft) n/a Average Length (ft) n/a Average Depth (ft) n/a

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

Drilling rig and water/service truck parked on site overnight until drilling completed.

G. New Roads:

Length (ft): 1055 Width (ft): 10

Significantly Upgraded Roads Length (ft): n/a Width (ft): n/a

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.70

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

none

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no draingage was observed from any mine openning.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See photos of all 8 drill sites in attached word document.

See list of BLM recommended seed types (including genus and species), to be used for reclamation, in item 7 below. Final seed mix may be slightly different due to suppliers and seed availability, but any mix will be approved by the Agencies

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

BLM Tres Rios Field Office recommends these data be determined with input given during the site visit with Federal and State personnel. (Source: item 3b. of BLM Tres Rios Field Office response to initial NOI (case file number COC-80448) application.)

The 8 drill pads and 1055 feet of new road will be reclaimed by putting back the 1,130 cubic yards of material that were initially moved to create them (see III. 5 above).

A one foot depth of topsoil will be removed and replaced for both roads and drill pads. The soil in this arid, desert environment is not indicative of true topsoils of more moist environments.

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to the surface. Plugging will occur upon the completion of each drill hole (after e-logging). See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules. As stated in item III. 6. K above, the bottoms of the drill holes will be above water table.

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is a drilling program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

Roads and pads will be regraded back to their approximate native contours, topsoil replaced and the disturbed ground will be harrowed/raked and reseeded. Blocking boulders, existing downed woody debris, and/or berms can be placed on the three new short road segments. If the road and pad grades are slight enough for safe travel, no material will be removed and traffic will move on the surface. During reclamation, overland traffic ways will be scarified to break compaction. Then the pads and roads will be harrowed/raked and seeded.

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana jamesii) Viva, florets	2.47
Big sagebrush (atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescens) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Botttlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

Broadcast seeding and seed should be harrowed/raked into seedbed to promote germination.

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

JJ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

JJ I have enclosed the required permit fee.

JJ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

JJ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

JJ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

JJ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

JJ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

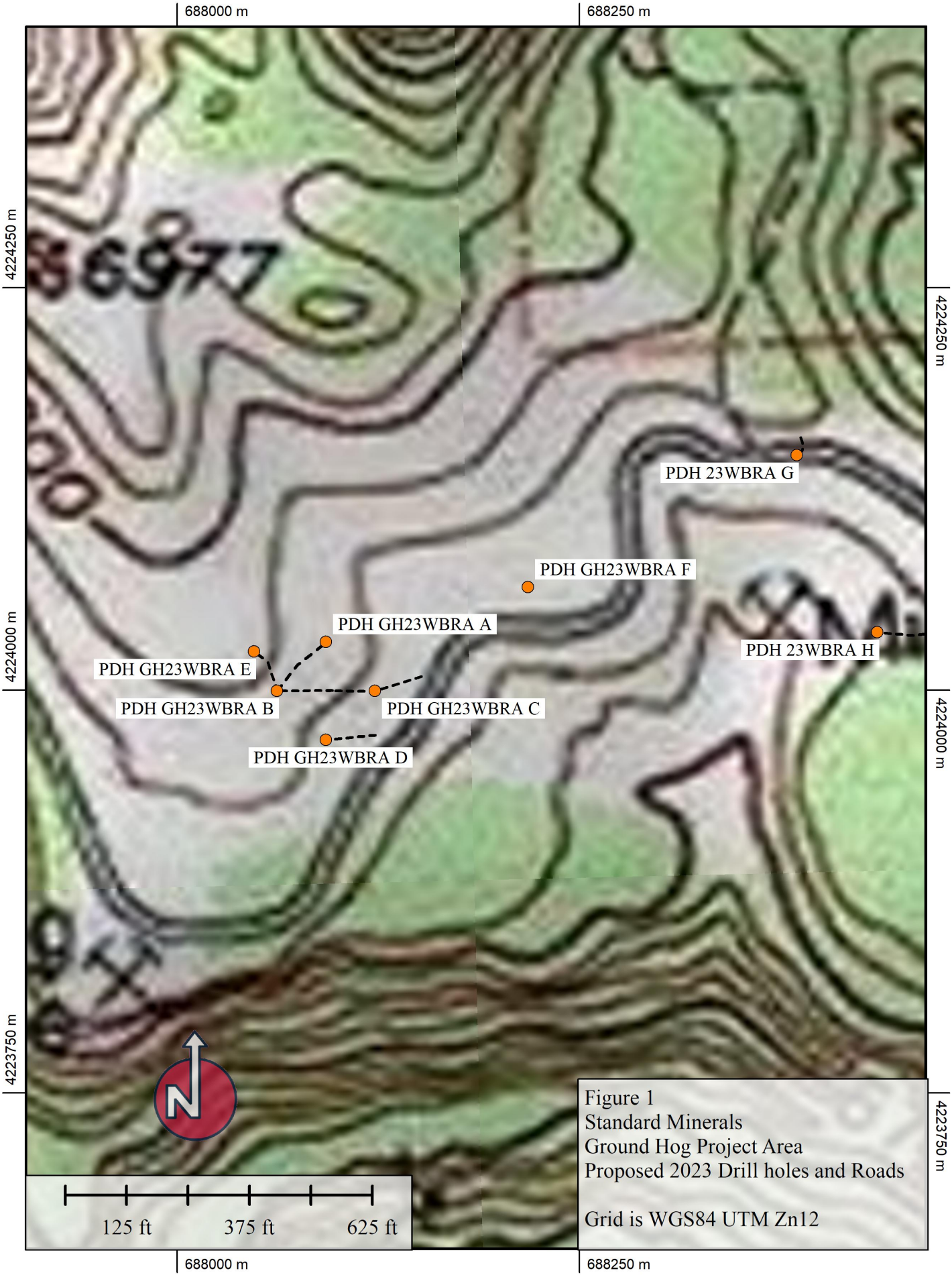
Signed and dated this 25 (date) **day of** April (month), 2023 (year)

Signature of NOI holder or person authorized to sign: Jim Gnilinger

Name (typed or printed): Jim Gnilinger

Title/Position: Manager

M:\min\oss\slb\MineralsForms\ProspectForm1
30 Aug 2017


688000 m
688250 m
4224250 m
4224000 m
4223750 m
PDH 23WBRA G
PDH GH23WBRA F
PDH GH23WBRA A
PDH GH23WBRA E
PDH 23WBRA H
PDH GH23WBRA B
PDH GH23WBRA C
PDH GH23WBRA D
N
125 ft
375 ft
625 ft
Figure 1
Standard Minerals
Ground Hog Project Area
Proposed 2023 Drill holes and Roads
Grid is WGS84 UTM Zn12

Standard Minerals

2023 Notice of Intent

Wedding Bell Mountain Project

Ground Hog

Appendix A

Pre-disturbance view looking northwest at PDH GH23WBRA A

Pre-disturbance view looking west at site PDH GH23WBRA B

Pre-disturbance view of bottom part of old drill road to PDH GH23WBRA A & B

Pre-disturbance view of middle portion of old drill road to PDH GH23WBRA A & B

Pre-disturbance view of PDH GH23WBRA C looking west from reclaimed road to 22WBRA 012/012A

Pre-disturbance view of site PDH GHWBRA D and access road looking northwest from the County road

View of PDH GH23WBRA E pad looking northeast. Site is an old drill pad

View of PDH GH23WBRA F pad looking east. Site is an old drill pad adjacent to existing County road

View of PDH

GH23WBRA G pad looking north. Access road loops down from County road in the background (where the person in the upper middle portion of the image is standing)

View of GH23WBRA H pad looking northeast.

View looking northeast of a portion of the access road to PDH GH 23WBRA H near the proposed hole

View looking southwest from the County road along the alignment of the proposed access road (pink flagging in the distance)

Anthony R. Adkins, P. Geol. LLC
Minerals Geologist

P.O. Box 864 29157 DD 31 Trl
Nucla, CO USA 81424
970.864.7205 H 970.462.5888 C
arapgllc@nntcwireless.com ·

1 May 2023

Mr. Derek Padilla
Acting Field Manager
Bureau of Land Management
Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323

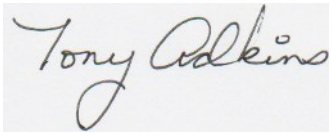
Dear Mr. Padilla

Please find attached a Notice of Intent to Operate application from World Industrial Minerals on behalf of Standard Minerals, to conduct mineral exploration activities on BLM lands in sec 23, T.45N., R.18W., New Mexico Prime Meridian. Standard Minerals is owned by Thor Energy, an Australian company.

The activity will consist of the drilling of approximately 11 rotary drill holes with the expected depths between 325 feet to about 525 feet. Total surface disturbance, including temporary access roads to the drill pads will be approximately 0.94 acres. The project area is located in San Miguel County.

Please let me know if you have any questions or comments.

Sincerely,



Tony Adkins
Geologist consulting to World Industrial Minerals
Nucla, CO

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

FOR HARD ROCK/METAL MINES

Form 1
All confidential and public information – For DRMS use and confidential filing

Form 2
Public information only - For public filing

GENERAL:

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

The New Law:

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.

C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and on non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

DEFINITION:

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or

otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" *(Rule 1.1.43)*.

APPLICATION FEE: $86

NOIs require an **$86** fee, which must accompany this notice or it cannot be processed by the Division *(C.R.S. 34-32-127(2) (a) (I) (K)).*

RECOMMENDATIONS PRIOR TO FILING:

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at http://mining.state.co.us In order to file your NOI properly it is recommended that you review the Act and;

Rule 1.1 Definitions
Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
Rule 3.1 Reclamation Performance Standards
Rule 3.1.6 Water-General Requirements ((4) & (5))
Rule 3.3.1 Operating without an NOI - Penalty
Rule 4 Financial Warranties
Rule 5 Prospecting Requirements

FILING REQUIREMENTS:

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee ($86); and

- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

New and Additional NOI Filing Requirements for Confidentiality Designations:

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.

2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

   The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.

4. All public portions of the submittal will be made available on the Division website and in the Division's public files.

5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

PROCESSING REQUIREMENTS:

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and

returned to the person or organization, if deficiencies are not corrected within 60 days of filing *(Rule 5.1.3).*

The New Review Process Regarding Confidentiality Designations

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

PROSPECTING ON FEDERAL LAND:

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

FINANCIAL WARRANTY:

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at http://mining.state.co.us .

PLAN MODIFICATIONS:

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for $86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause *(Rule 5.1.1)*.

ANNUAL REPORTS:

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of $86.00.**

RECLAMATION:

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.

AUTHORIZED SIGNATURE:

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

SUBMIT COMPLETED NOIs TO ONE OF THE OFFICES BELOW:

Denver Office (main):
Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203
Telephone: 303.866.3567
FAX: 303.832.8106

Grand Junction Field Office:
Division of Reclamation, Mining and Safety
101 South 3rd, Ste. 301
Grand Junction, CO 81501
Telephone: 970.243.6368
FAX: 970.241.1516

Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Form 1 (DRMS Use and Confidential File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS
FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** ____ - ____

☑ **New** NOI

☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** ____ - ____

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Groundhog Area)

3. PROSPECTOR:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

PERSON MLRB SHOULD CONTACT:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

3500 Washington Ave Suite 200	3500 Washington Ave Suite 200
Street	Street
P.O. Box	P.O. Box
Houston, TX 77007	Houston, TX 77007
City, State, Zip	City, State, Zip
(303) 905-9820	(303) 905-9820
Telephone	Telephone
(+61) (087) 324-1935	(+61) (087) 324-1935
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21&22 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ☑ NW ☑ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☑ NW ☑ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

28.0 miles to Naturita, CO located to the northeast. Elevation: 6870 feet

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 12 S 687955

Long: _____ Y: 4224000

6. LAND OWNERSHIP:

☐ Private ☑ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name **Standard Metals Inc.**

Address **3500 Washington Ave Suite 200**

City, State, Zip **Houston, TX 77007**

Telephone **(303) 905-9820**

Fax **(+61)** (087) 324-1935

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Groundhog-33	CMC 292191	T45N R18W Sec 21 NE NE

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency	Bureau of Land Management, Tres Rios Field Office
Address	29211 Highway 184
City, State, Zip	Dolores, CO 81323
Telephone	(970) 882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2023
   Completion: 11 / 30 / 2023

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 120 kg of cuttings for assay Units kg

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☐ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Eight reverse circulation or similar drill holes, with one to a depth of about 470 feet and the other seven to depths of about 325 feet, each using a 50x50 foot drill pad (1 foot deep). The eight drill sites will require sevenroad segments that range from 45ft to 425 feet and totals 1055 feet built along gently sloping ground.

Amount of material to be moved: 8 drill pads x 50ft x 50ft x 1ft deep = 740 cubic yards of material moved. The new roads would be 1055 ft long x 10 ft wide x 1 ft deep = 390 cubic yards of material moved. If overland travel on the natural surface is safe and possible, this is the preferred alternative to road building.

The grand total of material moved is 1,130 cubic yards.

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 8 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 8 Depth (ft) 360 Diameter (in) approx 5.5

C. Mud Pits

Quantity 8 Average Width (ft) n/a Average Length (ft) n/a Average Depth (ft) n/a

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

Drilling rig and water/service truck parked on site overnight until drilling completed.

G. New Roads:

Length (ft): 1055 Width (ft): 10

Significantly Upgraded Roads Length (ft): n/a Width (ft): n/a

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.70

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

none

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no draingage was observed from any mine openning.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See photos of all 8 drill sites in attached word document.

See list of BLM recommended seed types (including genus and species), to be used for reclamation, in item 7 below. Final seed mix may be slightly different due to suppliers and seed availability, but any mix will be approved by the Agencies

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

BLM Tres Rios Field Office recommends these data be determined with input given during the site visit with Federal and State personnel. (Source: item 3b. of BLM Tres Rios Field Office response to initial NOI (case file number COC-80448) application.)

The 8 drill pads and 1055 feet of new road will be reclaimed by putting back the 1,130 cubic yards of material that were initially moved to create them (see III. 5 above).

A one foot depth of topsoil will be removed and replaced for both roads and drill pads. The soil in this arid, desert environment is not indicative of true topsoils of more moist environments.

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to the surface. Plugging will occur upon the completion of each drill hole (after e-logging). See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules. As stated in item III. 6. K above, the bottoms of the drill holes will be above water table.

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is a drilling program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

Roads and pads will be regraded back to their approximate native contours, topsoil replaced and the disturbed ground will be harrowed/raked and reseeded. Blocking boulders, existing downed woody debris, and/or berms can be placed on the three new short road segments. If the road and pad grades are slight enough for safe travel, no material will be removed and traffic will move on the surface. During reclamation, overland traffic ways will be scarified to break compaction. Then the pads and roads will be harrowed/raked and seeded.

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana jamesii) Viva, florets	2.47
Big sagebrush (atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescens) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Botttlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

Broadcast seeding and seed should be harrowed/raked into seedbed to promote germination.

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector.

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

_____ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

_____ I have enclosed the required permit fee.

_____ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

_____ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

_____ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

_____ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

_____ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

Signed and dated this _____ **day of** _____, _____
(date) **(month)** **(year)**

Signature of NOI holder or person authorized to sign: _____

Name (typed or printed): _____

Title/Position: _____

M:\min\oss\slb\MineralsForms\ProspectForm1
30 Aug 2017

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Form 2 (Public File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS
FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** ____ - ____

☑ **New** NOI

☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** ____ - ____

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Groundhog Area)

3. PROSPECTOR:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

PERSON MLRB SHOULD CONTACT:

Jim Guilinger
Name

Geologist
Title

Standard Metals
Company Name

3500 Washington Ave Suite 200	3500 Washington Ave Suite 200
Street	Street
P.O. Box	P.O. Box
Houston, TX 77007	Houston, TX 77007
City, State, Zip	City, State, Zip
(303) 905-9820	(303) 905-9820
Telephone	Telephone
(+61) (087) 324-1935	(+61) (087) 324-1935
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

28.0 miles to Naturita, CO located to the northeast. Elevation: 6870 feet

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 12 S 687955

Long: _____ Y: 4224000

6. LAND OWNERSHIP:

☐ Private ■ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name: Standard Metals Inc.

Address: 3500 Washington Ave Suite 200

City, State, Zip: Houston, TX 77007

Telephone: (303) 905-9820

Fax: (+61) (087) 324-1935

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Groundhog-33	CMC 292191	T45N R18W Sec 21 NE NE
Groundhog-35	CMC 292193	T45N R18W Sec 21 NE NE
Groundhog-37	CMC 292195	T45N R18W Sec 22 NW NW

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency: Bureau of Land Management, Tres Rios Field Office

Address: 29211 Highway 184

City, State, Zip: Dolores, CO 81323

Telephone: (970)882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2023
   Completion 11 / 30 / 2023

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 120 kg of cuttings for assay Units kg

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☐ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Eight reverse circulation or similar drill holes, with one to a depth of about 470 feet and the other seven to depths of about 325 feet, each using a 50x50 foot drill pad (1 foot deep). The eight drill sites will require sevenroad segments that range from 45ft to 425 feet and totals 1055 feet built along gently sloping ground.

Amount of material to be moved: 8 drill pads x 50ft x 50ft x 1ft deep = 740 cubic yards of material moved. The new roads would be 1055 ft long x 10 ft wide x 1 ft deep = 390 cubic yards of material moved. If overland travel on the natural surface is safe and possible, this is the preferred alternative to road building.

The grand total of material moved is 1,130 cubic yards.

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 8 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 8 Depth (ft) 360 Diameter (in) approx 5.5

C. Mud Pits

Quantity 8 Average Width (ft) n/a Average Length (ft) n/a Average Depth (ft) n/a

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

Drilling rig and water/service truck parked on site overnight until drilling completed.

G. New Roads:

Length (ft): 1055 Width (ft): 10

Significantly Upgraded Roads Length (ft): n/a Width (ft): n/a

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.70

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

none

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no draingage was observed from any mine openning.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See photos of all 8 drill sites in attached word document.

See list of BLM recommended seed types (including genus and species), to be used for reclamation, in item 7 below. Final seed mix may be slightly different due to suppliers and seed availability, but any mix will be approved by the Agencies

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

BLM Tres Rios Field Office recommends these data be determined with input given during the site visit with Federal and State personnel. (Source: item 3b. of BLM Tres Rios Field Office response to initial NOI (case file number COC-80448) application.)

The 8 drill pads and 1055 feet of new road will be reclaimed by putting back the 1,130 cubic yards of material that were initially moved to create them (see III. 5 above).

A one foot depth of topsoil will be removed and replaced for both roads and drill pads. The soil in this arid, desert environment is not indicative of true topsoils of more moist environments.

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to the surface. Plugging will occur upon the completion of each drill hole (after e-logging). See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules. As stated in item III. 6. K above, the bottoms of the drill holes will be above water table.

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is a drilling program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

Roads and pads will be regraded back to their approximate native contours, topsoil replaced and the disturbed ground will be harrowed/raked and reseeded. Blocking boulders, existing downed woody debris, and/or berms can be placed on the three new short road segments. If the road and pad grades are slight enough for safe travel, no material will be removed and traffic will move on the surface. During reclamation, overland traffic ways will be scarified to break compaction. Then the pads and roads will be harrowed/raked and seeded.

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana jamesii) Viva, florets	2.47
Big sagebrush (atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescens) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Botttlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

Broadcast seeding and seed should be harrowed/raked into seedbed to promote germination.

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

JS I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

JS I have enclosed the required permit fee.

JS I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

JS I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation. I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

JS I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

JS I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

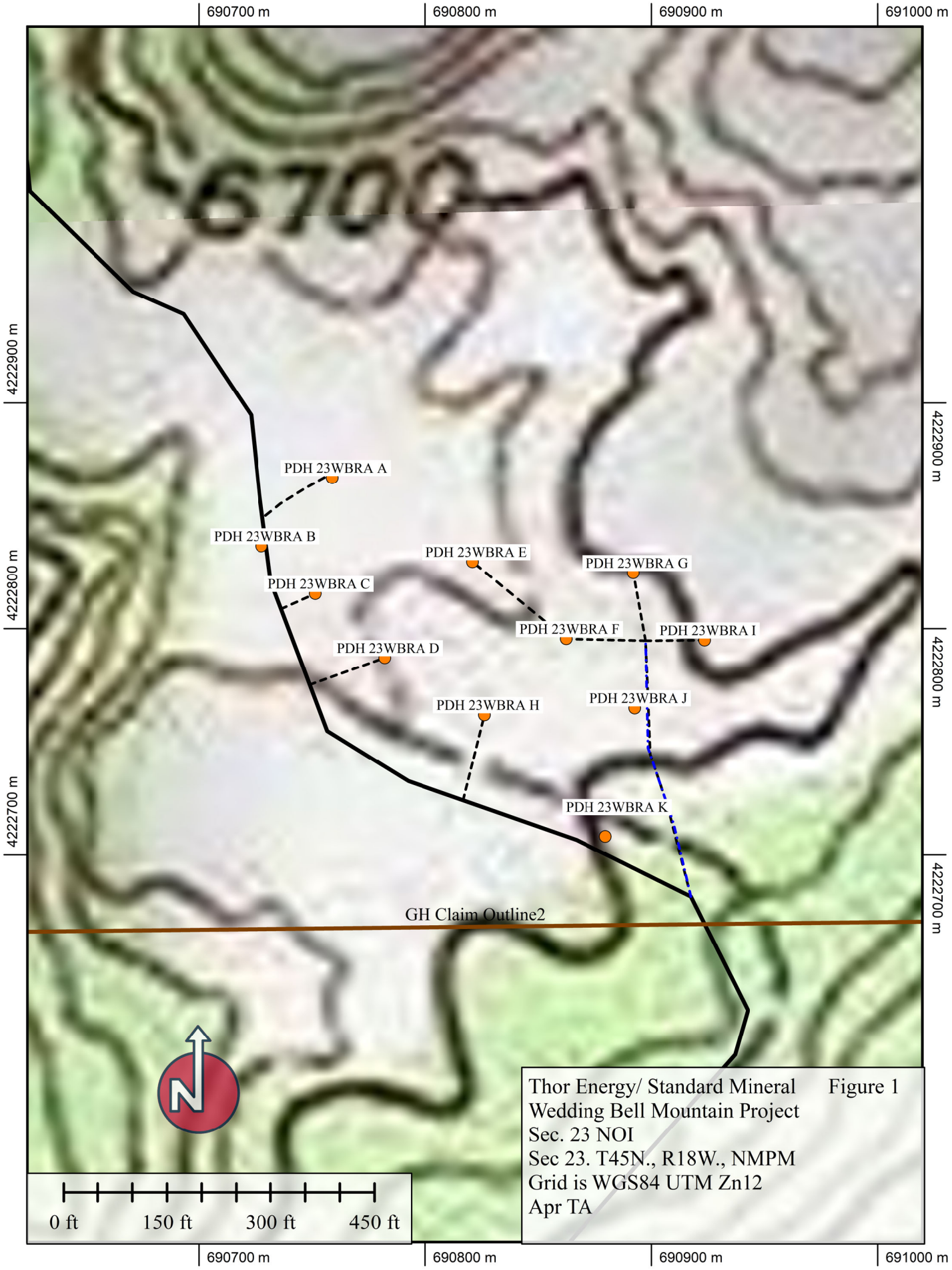
Signed and dated this 25 (date) **day of** April (month), 2023 (year)

Signature of NOI holder or person authorized to sign: Jim Guilinger

Name (typed or printed): Jim Guilinger

Title/Position: Manager

M:\min\oss\slb\MineralsForms\ProspectForm1
30 Aug 2017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690800 m
690900 m
691000 m
4222900 m
4222800 m
4222700 m
6700
PDH 23WBRA A
PDH 23WBRA B
PDH 23WBRA C
PDH 23WBRA D
PDH 23WBRA E
PDH 23WBRA F
PDH 23WBRA G
PDH 23WBRA H
PDH 23WBRA I
PDH 23WBRA J
PDH 23WBRA K
GH Claim Outline2
N
0 ft
150 ft
300 ft
450 ft
Thor Energy/ Standard Mineral
Wedding Bell Mountain Project
Sec. 23 NOI
Sec 23. T45N., R18W., NMPM
Grid is WGS84 UTM Zn12
Apr TA
Figure 1

Thor Energy

2023 Notice of Intent

Wedding Bell Mountain Project

Section 23

Appendix A

Pre-disturbance view of 23WBRA_A looking SW

Pre-disturbance view of 23WBRA_A looking SW back along proposed access road from Site 22WBRA001

Pre-disturbance view of site PDH 23WBRA B, looking south

Pre-disturbance view of site PDH 23WBRA C, looking south

View of proposed access road to site C from existing pad 22WBRA001

Pre-disturbance view of site PDH 23WBRA D, looking southwest

Pre-disturbance view of site D looking from 22WBRA001, looking northeast

Pre-disturbance view of site PDH 23WBRA E, looking south

Pre-disturbance view of site PDH 23WBRA F, looking south

Pre-disturbance view from Site F to Site E via the proposed access route.

Pre-disturbance view of access road to Site F from pad 22WBRA 011

View of PDH 23WBRA G, looking south

Looking southeast along access road from Site G to pad 22WBRA011

Pre-disturbance view of site 23WBRA H looking south along the access road from the BLM road

View of PDH 23WBRA I and its associated access road. Looking east from pad 22WBRA011

View of PDH 23WBRA J adjacent to access road to pad 22 WBRA011

View of PDH 23WBRA K. Site is adjacent to a BLM road

Attachment H
Weed Management
Plan

WEED MANAGEMENT PLAN

Standard Minerals Inc.
Wedding Bell/Radium Hill Project
3500 Washington Ave.
Suite 200
Houston, TX 77007

November 2021

TABLE OF CONTENTS

1. INTRODUCTION 1
   1.1 Content of Weed Management 1
   1.2 Overview of Approach to Weed Management 1

2. LOCATION OF THE PROPERTY 2

3. INVENTORY OF WEED SPECIES 3

4. WEED MANAGEMENT 4

LIST OF TABLES

Table 1: San Miguel – Noxious Weed Summary

LIST OF FIGURES

Wedding Bell Project – General Location

ACRONYMS AND ABBREVIATIONS

BLM Bureau of Land Management

1. INTRODUCTION

The Wedding Bell/Radium Hill Project is a planned mineral exploration project in San Miguel and Montrose Counties, Colorado. Mineral exploration consists of a proposed 12 drill holes in three locations that are approximately 23 miles southwest of Naturita, Colorado (see Figure). The Groundhog area and Section 23 area are in San Miguel County.

1.1 Content of Weed Management

There has been a tremendous expansion of invasive alien plant species across the US, including Colorado. New problem weed species arrive in Colorado every year. Weeds create large economic losses for agriculture in both cropland and rangeland situations. Noxious weeds often provide poorer habitat for wildlife that native vegetation. Proliferation of alien plant species alters ecosystem processes and threatens certain native species with extirpation. Thus, unchecked weeds threaten our economic livelihood and our biological heritage.

In recognition of the economic and ecological impacts of weeds, the General Assembly of the State of Colorado passed the Colorado Weed Management Act, also known as the Colorado Noxious Weed Act, in 1996. The act requires landowners and managers to manage noxious weeds if they are likely to damage neighboring lands. This act provides that each county in Colorado shall adopt a noxious weed management plan for the unincorporated portions of the county. This plan provides a framework to control those plant species that are listed as "noxious" in San Miguel County.

1.2 Overview of Approach to Weed Management

Weed control is part of property management. This plan is based on the desired plant species and communities, rather than on simply eliminating weeds. Preventive programs are implemented to keep the management area free of species that are not yet established there but which are known to be pests elsewhere in the area.

The plan follows a four-step management approach. First, weed species are identified through inventory of the property. Second, if weed species are identified, land management goals and weed management objectives are established for the property, such as weed removal or avoidance of weedy areas. Third, preventive measures are taken, which includes washing of all equipment to mitigate the potential for inadvertently spreading weed species. And fourth, revegetating the disturbed drill site area using a seed bed mixture consistent with the local environment and approved by the Bureau of Land Management (BLM).

2. LOCATION OF THE PROPERTY

This Weed Management Plan is for the Groundhog area and Section 23 area in San Miguel County as shown in the Figure. Specific drilling locations include nine holes in these two areas. The quarter-quarter sections are as follows:

Drill Hole	Quarter	Quarter	Section	Township	Range
Sec23 DH1	SW	SE	23	45N	15W
Sec23DH2	NW	SE	23	45N	15W
Sec23 DH3	NW	SE	23	45N	15W
Sec23 DH4	NW	SE	23	45N	15W
Sec23 DH5	NW	SE	23	45N	15W
Sec23 DH6	NW	SE	23	45N	15W
Sec23 DH7	SW	NE	23	45N	15W
Groundhog DH1	NE	NE	21	45N	15W
Groundhog DH2	NE	NE	21	45N	15W

The properties are located approximately 23 miles southwest of Naturita, Colorado via Colorado Routes U29 and 1113.

3. INVENTORY OF WEED SPECIES

Prior to project startup, Standard Minerals Inc. will complete a ground survey in the project area, specifically in the proposed areas of the drill pads and dirt access routes off county roads, which is about 1.78 acres. There are four San Miguel County Class A weeds of concern, 17 Class B noxious weed species reported present in San Miguel County in the 2017 management plan, and an additional 12 Class B and one Class C species of concern as shown in Table 1[1,2]. The ground survey will be conducted by properly trained scientists who are knowledgeable of these species. If noxious species are identified in the project area, weedy areas will be demarcated in the field.

[1] San Miguel County Noxious Weed Management Plan
[2] Colorado Department of Agriculture, Colorado List B weed Management Plans by Counties. Accessed 5 November 2021 at https://ag.colorado.gov/conservation/noxious-weeds/county-weed-programs

4. WEED MANAGEMENT

If weed species have been identified at the project site, Standard Minerals Inc. will assess the appropriate method to mitigate and eliminate species spread. The two most likely strategies will be demarcation and avoidance of areas with noxious weeds, or removal of weeds from the project area. If these options are impracticable, the use of herbicides may be used in limited instances.

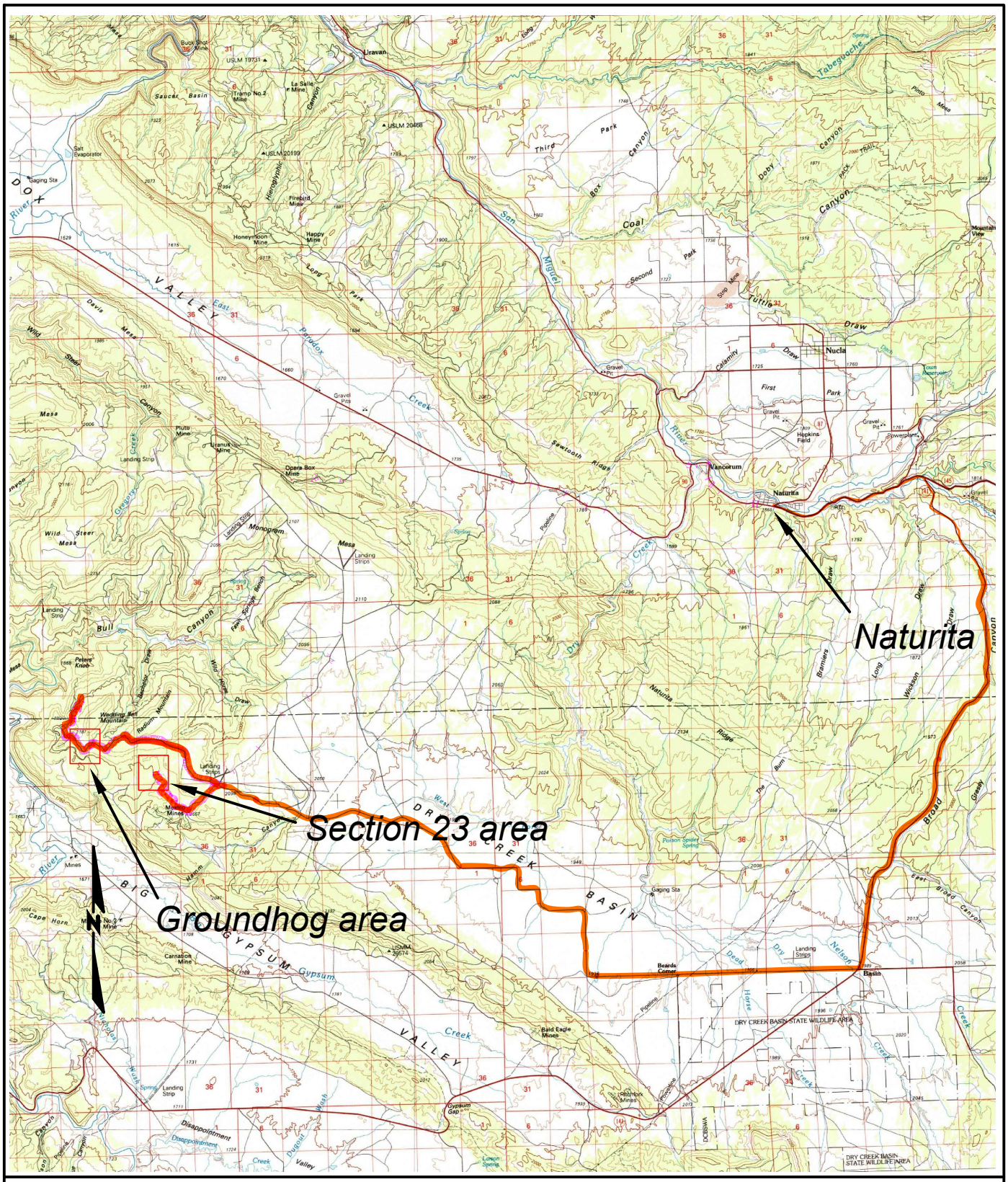
To prevent accidental spreading of noxious weeds, equipment to be used at the project site will be washed down prior to mobilization to the site. Additionally, equipment will be washed down between the three primary drilling areas, Groundhog, Section 23, and the parcel in southern Montrose county. Standard Minerals has a form available to document vehicle inspection and washing prior to site entry.

The disturbed drill site areas will be revegetated utilizing a seed bed mixture consistent with the local environment and approved by the BLM as soon as practical as part of reclamation activities.

TABLES

Table 1: San Miguel - Noxious Weed Summary		
Species	**Class**	**Infested Acres**
Meadow Knapweed	A	Unknown
Myrtle Spurge	A	Unknown
Purple loosestrife	A	Unknown
Yellow Starthistle	A	Unknown
Absinth wormwood	B	2
Bull thistle	B	8
Canada thistle	B	826
Chamomiles	B	4
Hoary cress	B	107
Houndstongue	B	260
Jointed goatgrass	B	28
Leafy spurge	B	15
Musk thistle	B	244
Oxeye daisy	B	1,800
Russian knapweed	B	150
Russian olive	B	111
Salt cedar	B	295
Spotted knapweed	B	37
Sulfur cinquefoil	B	177
Wild caraway	B	1
Yellow toadflax	B	97
Black henbane	B	Unknown
Chinese Clematis	B	Unknown
Common tansy	B	Unknown
Dame's rocket	B	Unknown
Diffuse knapweed	B	Unknown
Perennial pepperweed	B	Unknown
Plumeless thistle	B	Unknown
Scotch thistle	B	Unknown
Common mullein	B	Unknown
Downy brome (cheatgrass)	B	Unknown
Halogeton	B	Unknown
Poison hemiock	B	Unknown
Russian Thistle	C	Unknown

FIGURES



Legend

Previous Project Access

New Project Access

Project location

Colorado

Scale

0 1 2 3 miles

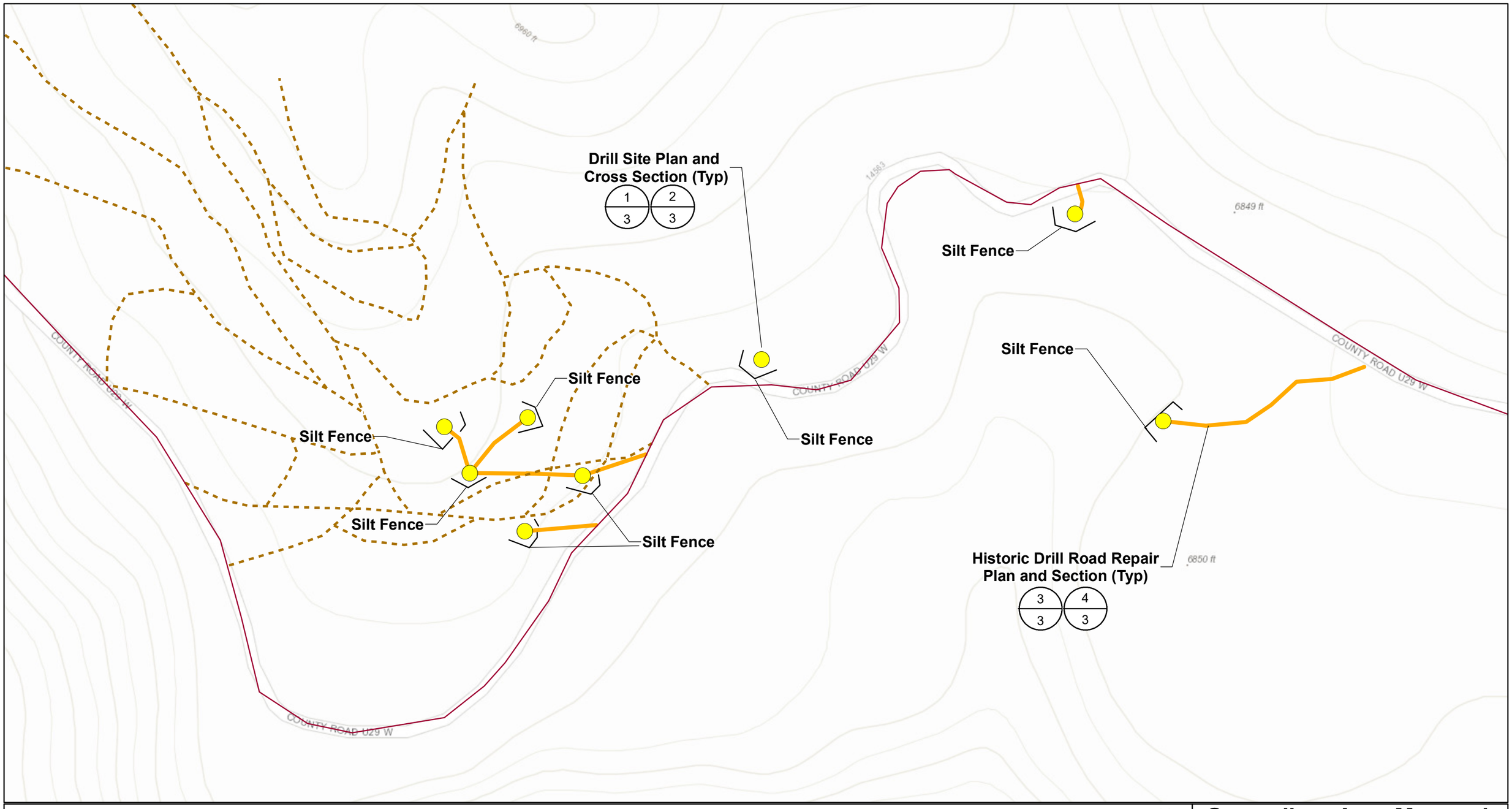
0 5,000 meters

WEDDING BELL PROJECT

General Location

San Miguel County, Colorado

Attachment I
Sediment Control
Plan



Legend

- Proposed Drill Hole Location
- Silt Fence
- Proposed Access Road
- Historical Drill Road

Notes

1. Proposed road repair will consist of clearing/relocation of large rocks and logs in order to allow access by wheeled vehicle. Disturbance of the historical drill roads will be limited. No blading, excessive cut/fill, or vegetation removal is proposed.

2. Due to limited road repair, sediment control will not be necessary along the entire route shown in orange. Sediment control will be installed at the proposed drill hole locations and at select

N

0 200 Feet

Groundhog Area Map and Sediment Control Plan

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2023

Figure 1

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_Groundhog_Area_Sediment_Control.mxd 5/9/2023 7:04:06 PM

Silt Fence

Silt Fence

Silt Fence

Silt Fence

Silt Fence

Silt Fence

Silt Fence

Drill Site Plan and Cross Section (Typ)

1 2 3 3

Silt Fence

Historic Drill Road Repair Plan and Section (Typ)

3 4 3 3

6640 ft

6600 ft

6688 ft

6680 ft

Legend

- Proposed Drill Hole Location
- Silt Fence
- Proposed Access Road
- Historical Drill Road

Notes

1. Proposed road repair will consist of clearing/relocation of large rocks and logs in order to allow access by wheeled vehicle. Disturbance of the historical drill roads will be limited. No blading, excessive cut/fill, or vegetation removal is proposed.

2. Due to limited road repair, sediment control will not be necessary along the entire route shown in orange. Sediment control will be installed at the proposed drill hole locations and at select

N

0 120 Feet

Section 23 Area Map and Sediment Control Plan

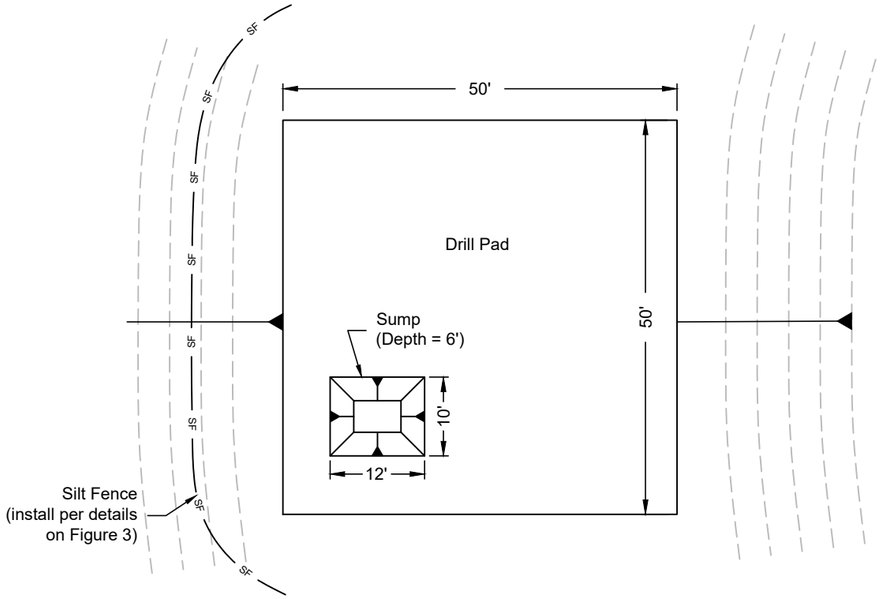
San Miguel County, Colorado

Geosyntec consultants

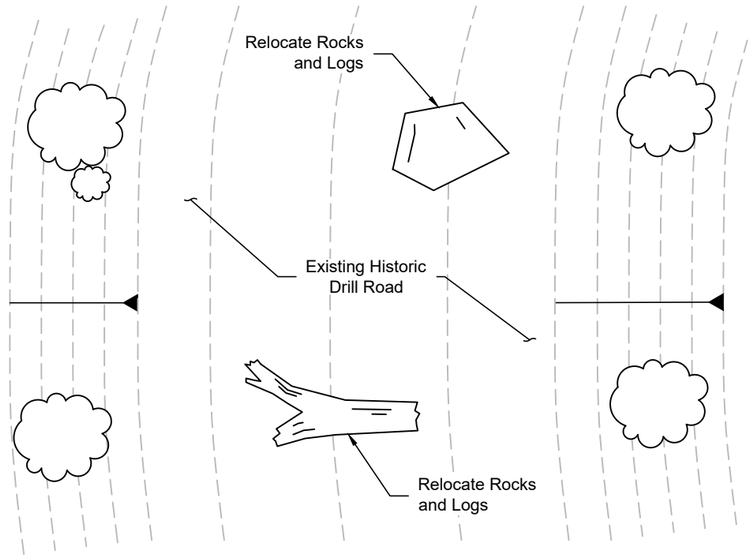
Lakewood, CO | May 2023

Figure 2

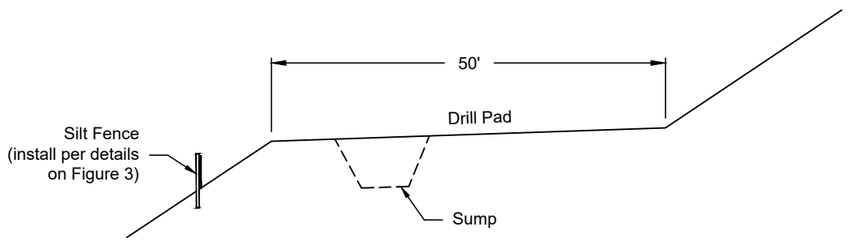
P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_Section_23_Area_Sediment_Control.mxd 5/9/2023 7:02:33 PM



1 / 1 DETAIL
DRILL SITE PLAN (TYP)
SCALE: NTS



3 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR (TYP)
SCALE: NTS



2 / 1 DETAIL
DRILL SITE SECTION (TYP)
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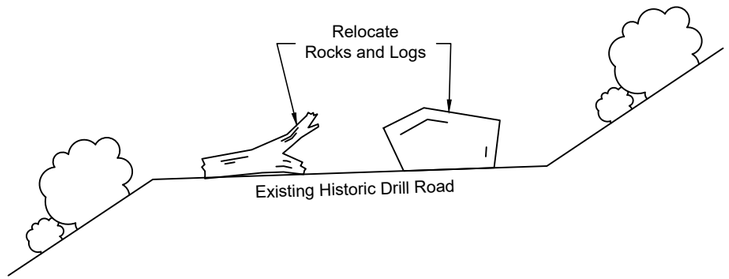


4 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR SECTION (TYP)
SCALE: NTS

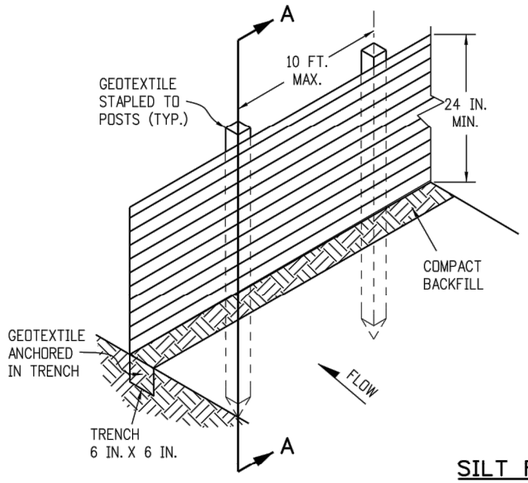
PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS I
SAN MIGUEL COUNTY, COLORADO

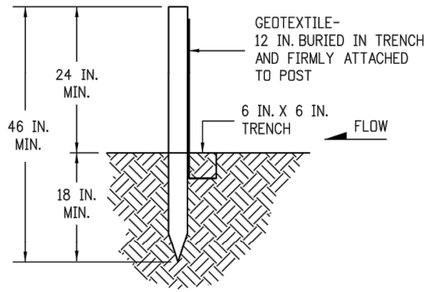
Geosyntec consultants

Lakewood, CO | May 2023

FIGURE
3

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/25/22



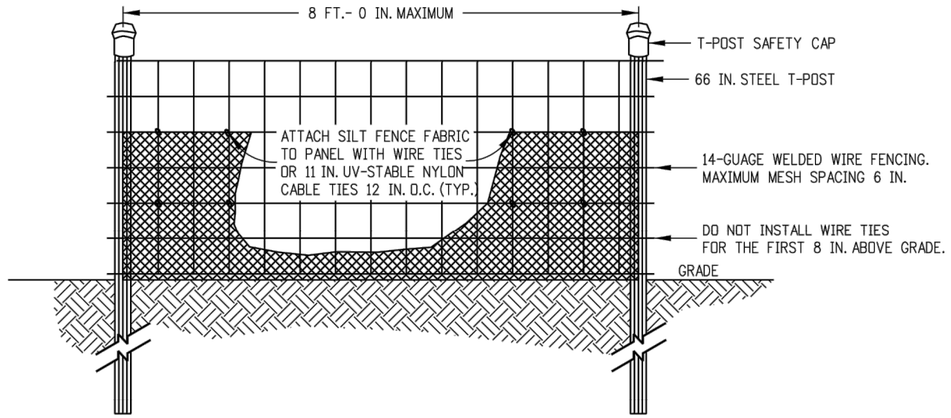


SECTION A-A

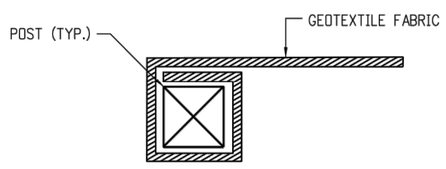
SILT FENCE

NOTES:

1. GEOTEXTILE SHALL BE ATTACHED TO WOOD POSTS WITH THREE OR MORE STAPLES PER POST. STAPLES SHALL BE HEAVY DUTY WIRE AND AT LEAST 1 INCH LONG.
2. WOOD POST SHALL BE 1 IN. X 1 IN. NOMINAL.
3. THE PAY ITEM NUMBER FOR SILT FENCE (LF) IS 208-00020.
4. THE SILT FENCE SHALL BE PLACED ON THE CONTOUR (AT THE SAME ELEVATION ±6 IN.). THE ENDS SHALL BE FLARED UP SLOPE (MINIMUM ELEVATION GAIN OF 18 IN.).



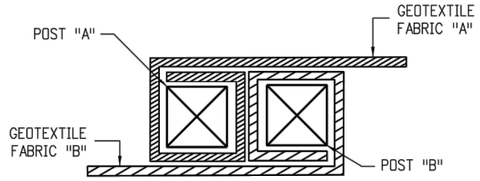
ELEVATION VIEW



END SECTION DETAIL (PLAN VIEW)

NOTE:

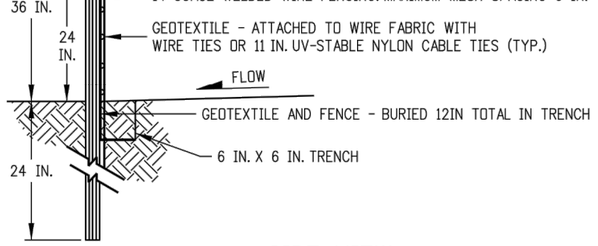
1. THE END OF THE SILT FENCE FABRIC SHALL BE WRAPPED APPROX. 6 INCHES AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.



JOINING SECTION DETAIL (PLAN VIEW)

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.



SIDE VIEW

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A STEEL T-POST, THEN SECURED ALONG THE POST WITH WIRE TIES (MINIMUM 3 PER POST).
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.
3. SILT FENCES SHALL NOT BE USED FOR CHECK DAMS.
4. THE PAY ITEM NUMBER FOR SILT FENCE (REINFORCED) (LF) IS 208-00021.

SILT FENCE (REINFORCED)

SILT FENCE APPLICATIONS

Computer File Information		Sheet Revisions	
Creation Date: 07/04/12 Initials: JBK		Date:	Comments
Last Modification Date: 04/01/19 Initials: LTA	R-X	03/29/16	Minor revisions to some dimensions and Notes.
Full Path: www.codot.gov/business/designsupport	R-X	04/01/19	Revised to comply with the updated Stormwater Construction Permit (SCP) requirements.
Drawing File Name: 2080108011.dgn	R-X		
CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English	R-X		

Colorado Department of Transportation
2829 West Howard Place
CDOT HQ, 3rd Floor
Denver, CO 80204
Phone: 303-757-9021 FAX: 303-757-9868
Division of Project Support JBK/LTA

TEMPORARY EROSION CONTROL

Issued By: Project Development Branch July 4, 2012

PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS II
SAN MIGUEL COUNTY, COLORADO

Geosyntec consultants

Lakewood, CO | May 2023

FIGURE 4

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/24/22

Attachment J
Dust Control Plan

1 SCOPE

This procedure shall apply to Thor Mining Plc and all subsidiary companies' exploration activities create excess dust is a concern.

2 RESPONSIBILITIES

Supervising Geologists and Field Assistants are responsible for ensuring that all personnel and contractors are aware of activities that generate dust and follow measures to minimise dust.

3 DUST

3.1 GENERAL

Exploration activities, particularly drilling, generate dust. Dust exposure by personnel involved in some activities can be minimised by the application of engineering controls, workplace procedures and visual dust monitoring.

3.2 EXPLORATION ACTIVITIES – RISK RANKING

An assessment of all exploration activities has been conducted to identify those tasks/activities that potentially generate dust. These are, in order of risk (highest to lowest);

a) **Driving on unsealed roads**
b) **Reverse Circulation Drilling**
c) **Air core and RAB Drilling**
d) **Drill site rehabilitation**
e) **Site preparation**

4 DRIVING ON UNSEALED ROADS

4.1 RISK ASSESSMENT

Driving vehicles on unsealed access roads and tracks can create excess dust. Earthmoving activities may also create airborne dust. Thor personnel and contractors shall ensure:

- Immediate reporting of any track maintenance or potential concerns to ensure that issues around dust generation are remediated in a timely manner.
- Where possible minimise the number of vehicles using tracks and unsealed roads
- Light vehicles to engage 4WD on unsealed roads, minimising dust and corrugations
- Vehicles to maintain slow speed limits
- Tracks and access roads to be lightly watered regularly
- Use of coconut matting on high traffic zones of track or unsealed sections of r
- Grading and track maintenance for tracks

5 AIR DRILLING (RAB, AIR CORE & RC)

5.1 RISK ASSESSMENT

Air drilling activities can, when not effectively managed, generate dust. Dust control is inadequate when a visible plume of dust is evident.

Dust generation risks arise from:

- Inadequate dust suppression or uncontrolled drilling dust
- Failure to use wet drilling or water misting dust suppression methods.
- Cleaning the rig or associated equipment with compressed air **(NOT ALLOWED)**

5.1.1 DRILLING CONTRACTOR

The drilling contractor (driller) shall ensure:

- That wherever possible wet drilling shall be conducted
- That if drilling dry, dust is to be effectively controlled by misting, water injection or through the use of dust suppression systems.

John Huebner <johnh@sanmiguelcountyco.gov>

RE: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End

1 message

Nicole Galloway Warland <nicole@thorenergyplc.com> Mon, Jun 26, 2023 at 8:12 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>
Cc: Sarah Walker <swalker@geosyntec.com>, Tony Adkins <arapgllc@nntcwireless.com>, Jeff Kurtz <JKurtz@geosyntec.com>

Thanks for sharing, John.

Sorry I couldn't catch up with you whilst I was in the US – hopefully, next time.

Just a quick response to Tony Bonacquista's letter on behalf of Colorado Parks and Wildlife:

All proposed exploration activities are undertaken during daylight hours only – there will be no nighttime drilling or driving to and from site in the night.

Wildlife – Thor will not be undertaking proposed activities during the winter months and outside the December 1 to April 30 period.

Surface Disturbance - as previously demonstrations all activities and drill sites are planned/designed to minimise surface and soil disturbance, with access on existing historic roads and trails.

Invasive weeds – Thor has a weed management procedure in place to mitigation the risk of introducing non-native or invasive weeds; this includes the washing of vehicles prior to entry of site. Also, reclamation activities are done in consultation with County horticulturist to ensure the best quality seed mix is used and to again mitigate the introduction of non-native/invasive weeds.

Please don't hesitate to contact me if you have any questions regarding our proposed exploration program and the County Planning Meeting.

Kind Regards

Nicole

Nicole Galloway Warland

Managing Director

THOR ENERGY PLC

Tel: +61 8 7324 1935

Mob: +61 (0) 417 006 431

Email: nicole@thorenergyplc.com

Address: 6 The Parade, NORWOOD SA 5067

www.thorenergyplc.com

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From: John Huebner <johnh@sanmiguelcountyco.gov>
Sent: Tuesday, June 27, 2023 3:24 AM
To: Sarah Walker <swalker@geosyntec.com>; Nicole Galloway Warland <nicole@thorenergyplc.com>; Jim Guilinger <jimrg46@cs.com>; Tony Adkins <arapgllc@nntcwireless.com>; Jeff Kurtz <JKurtz@geosyntec.com>
Subject: Fwd: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End

I attached a copy of the Agency Referral comment letter received from Colorado Parks and Wildlife for your reference.

John Huebner

Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

---------- Forwarded message ---------
From: **Sralla - DNR, Rachel** <rachel.sralla@state.co.us>
Date: Mon, Jun 26, 2023 at 10:16 AM
Subject: RE: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End
To: John Huebner <johnh@sanmiguelcountyco.gov>, Tony Bonacquista <tony.bonacquista@state.co.us>, Peter Foote - DNR <peter.foote@state.co.us>

Good morning,

Please accept the attached comments from Colorado Parks and Wildlife regarding this application.

My apologies for sending these a day late, I hope the county will still accept them.

Thanks,

Rachel

Rachel Sralla

Area Wildlife Manager- Area 18 Montrose

LIVE LIFE OUTSIDE

P 970.252.6010 | C 970.640.9759
2300 South Townsend Avenue Montrose, Colorado 81401

rachel.sralla@state.co.us | cpw.state.co.us

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9

Thor Energy Plc, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

☒ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

☒ Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

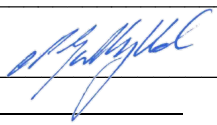
Nicole Galloway Warland
Name

(Insert Applicant's name if executed by agent)

Mining Claims on Bureau of Land Management Lands in the Groundhog and Section 23 areas, T.45 A.R 18WSec 21 & 22
Physical location of Property and/or legal description

6 The Parade Norwood, South Australia 5056 Australia
Mailing Address (if different from above)

Date: 30 June 2023

Signature: 

[text/luc/certification.property.owner]

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

SAN MIGUEL COUNTY
PUBLIC MEETING NOTICE

APPLICANT'S NAME: THOR ENERGY PLC

APPLICANT'S CONTACT: NICOLE@THORENERGYPLC.COM

TYPE OF DEVELOPMENT APPLICATION: SPECIAL USE PERMIT FOR A LIMITED EXPLORATORY DRILL PROGRAM ON BUREAU OF LAND MANAGEMENT LANDS FOR MINERAL EXPLORATION IN THE "GROUNHOG AREA" AND "SECTION 23 AREA" ACCESSED FROM COUNTY ROAD U29 LOCATED IN S16,17,22,T40N, R18W WEST END (WE) ZONE DISTRICT. THIS PUBLIC MEETING IS THE FIRST STEP OF A TWO-STEP REVIEW PROCESS BY THE PLANNING COMISSION AND BOARD OF COUNTY COMISSIONERS

DATE OF HEARING: THURSDAY JULY 13TH 2023

PLACE OF HEARING: 333 W COLORADO AVE 2ND FLOOR ROOM 201 TELLURIDE AND ONLINE JOIN US: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277

Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply)

TIME OF HEARING: 9:15am OR THEREAFTER

DECISION – MAKING BODY: PLANNING COMISSION

FOR MORE INFORMATION – GO TO www.sanmiguelcountyco.gov/198/Planning

Please publish the following Legal **PUBLIC MEETING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, JUNE 28, 2023

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC MEETING NOTICE

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Written comments of more than one page may not receive complete consideration if not received by July 6, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

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San Miguel County is Hiring!

All positions are full-time, year-round and include a comprehensive benefits package!

Light Equipment Operator/ Truck Driver
Or
Heavy Equipment Operator (DOQ)

Lead Mechanic

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

San Miguel County is Hiring!

The following positions are full-time, year-round and include a comprehensive benefits package!

Special Projects Director

Case Worker I

Manager of Operations (Parks & Open Space Department)

Correctional Officer/Emergency Dispatcher

The following positions are part-time or seasonal and do not include a benefits package.

Seasonal - Noxious Weed Management Technician

Part-time Juvenile Services Case Manager

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

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PART-TIME (5-6 hours a month)

Full Job Description can be found at norwoodtown.com.

Send letter of interest and resume to pierce@norwoodtown.com or deliver to Norwood Town Hall 970-327-4233

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Legal Notices

PUBLIC MEETING NOTICE

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PUBLIC NOTICE

Plaintiffs: ESTATE OF RICHARD C. SIMPSON, AND ESTATE OF ROBERT B. SIMPSON
v.
Defendants: RUPERT G. STARLING, EDITH R. WITBECK, PATRICIA JOHNSTON, TOM HENRY JOHNSTON, JUDY JOHNSTON, MICHAEL CORY JOHNSTON, DAVID SCOTT JOHNSTON, JERRY H. SIMPSON, CYNTHIA A. SIMPSON, AND JOAN J. WILLIAMS ALSO KNOWN AS JAN WILLIAMS, OR THE ESTATES OF SUCH NAMED INDIVIDUALS, and all other persons who claim any interest in the subject matter of this action..

DISTRICT COURT, SAN MIGUEL COUNTY, CO
CASE NO. 23CV30019
SUMMONS BY PUBLICATION

THE PEOPLE OF THE STATE OF COLORADO, TO THE ABOVE-NAMED DEFENDANTS:
You are hereby summoned and required to appear and defend against the claims of the Complaint filed with the court in this action, by filing with the clerk of this court an answer or other response. You are required to file your answer or other response within 35 days after the service of this summons upon you. Service of this summons shall be complete on the day of the last publication. A copy of the Complaint may be obtained from the clerk of the court.
If you fail to file your answer or other response to the Complaint in writing within 35 days after the date of the last publication, judgment by default may be rendered against you by the court for the relief demanded in the Complaint without further notice.
This is an action to quiet title to the property described as follows:
The West Half of the Southwest Quarter, Section 17; the Southeast Quarter of the Southeast Quarter, Section 18, and the East Half of the Northeast Quarter, Section 19, all in Township 45 North, Range 14 West, N.M.P.M.
Also known as VACANT COUNTY ROAD 34Y NORWOOD 81423.
Dated this 23 rd day of May, 2023
Amanda N. Maurer, Atty. Reg. #33361
Attorney for Plaintiff
P.O. Box 916, Glenwood Springs, CO 81602
(970) 928-9100, amanda@ommpc.com
Published in the Norwood Post.
First Publication: May 31, 2023.
Last Publication: June 28, 2023.

Legal Notices

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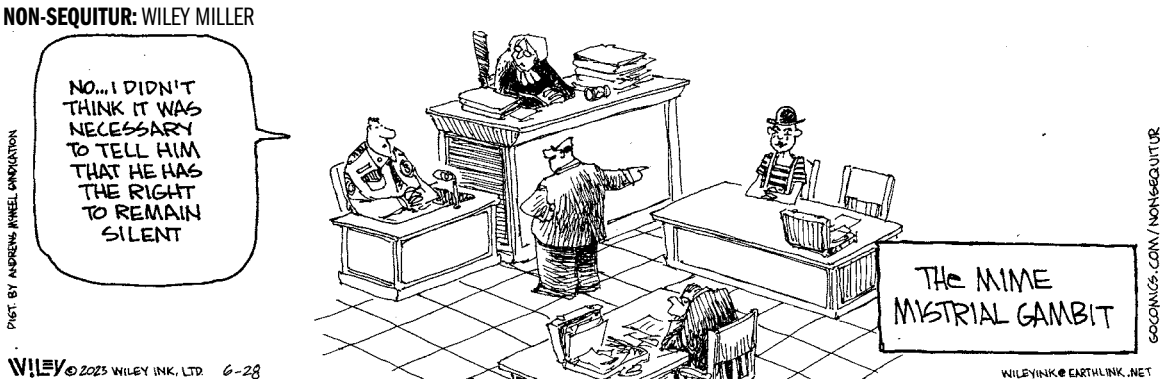
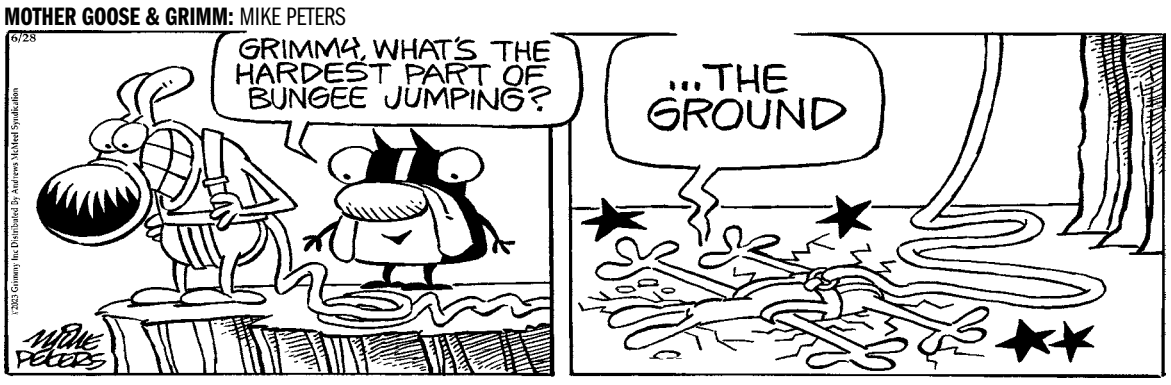
for service times

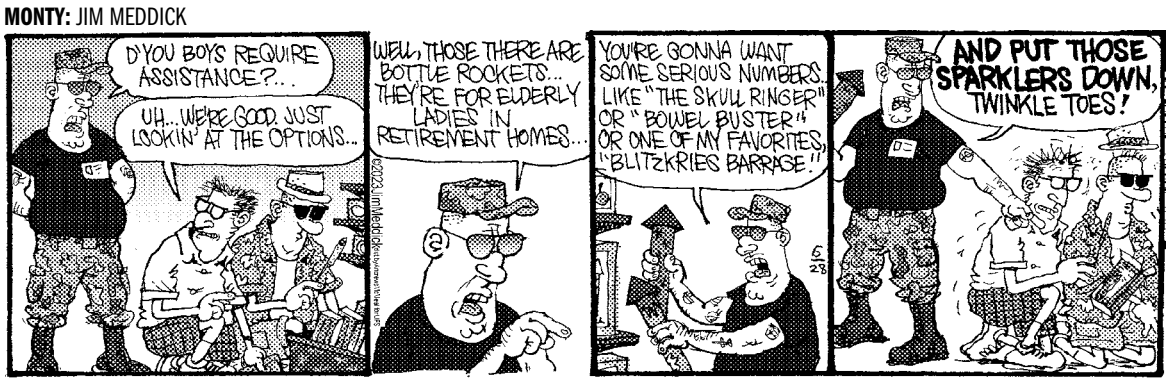
NON-SEQUITUR: WILEY MILLER



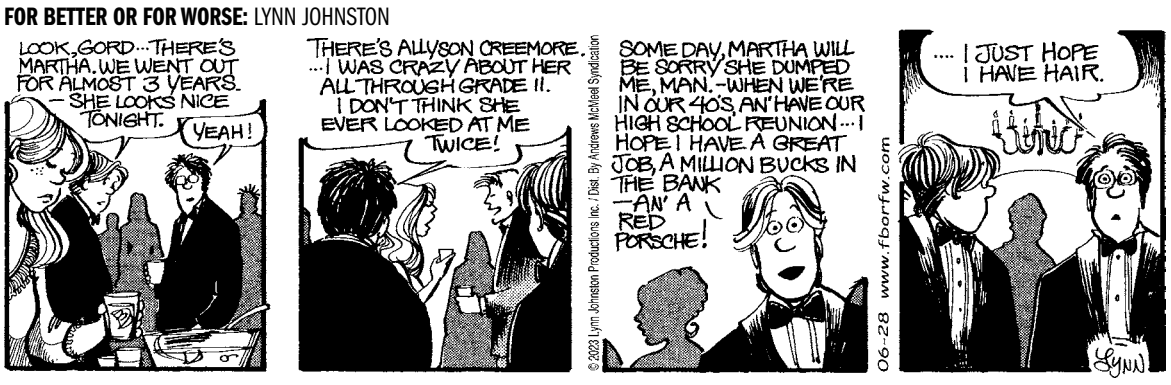
MOTHER GOOSE & GRIMM: MIKE PETERS



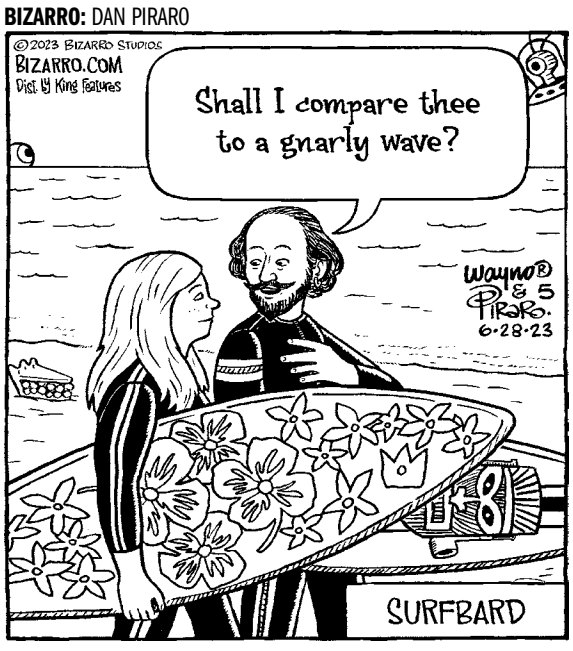
MONTY: JIM MEDDICK



FOR BETTER OR FOR WORSE: LYNN JOHNSTON



BIZARRO: DAN PIRARO



CLOSE TO HOME: JOHN MCPHERSON

Kayla gets some undeniable evidence that she had gorged herself too much on her two-week vacation.

UNIVERSAL SUDOKU

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

Difficulty rating: 3

Previous puzzle solution:

	2			8	6	9		
	9					5	3	
			5	3		6		
		8		5		7	6	3
7	3	5		1		2		
		4		2	7			
	7	1					2	
		9	3	4			5	

6	9	2	7	1	4	3	8	5
7	3	1	2	5	8	4	6	9
5	8	4	9	3	6	1	7	2
1	4	6	5	7	9	8	2	3
3	2	9	8	6	1	7	5	4
8	5	7	4	2	3	9	1	6
4	6	3	1	8	2	5	9	7
2	1	5	3	9	7	6	4	8
9	7	8	6	4	5	2	3	1

John Huebner <johnh@sanmiguelcountyco.gov>

SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End

1 message

Nicola Kerr <nicolak@sanmiguelcountyco.gov> Wed, May 31, 2023 at 9:43 AM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Janet Kask <janetk@sanmiguelcountyco.gov>, lucas.west@state.co.us, michael.cosby@state.co.us, mark.caddy@state.co.us, rjoyner@blm.gov, John Huebner <johnh@sanmiguelcountyco.gov>, billm@sanmiguelsheriff.org

Attached for your review and comment is an Application received from Jim Guilinger on behalf of Thor Energy PLC . The applicant seeks a Special Use Permit for Mineral Exploration on BLM land in the West End in the "Groundhog Area" and "Section 23 Area". Please provide comments by June 25, 2023 and let me know if you have any questions.

Best regards,

--
--
Nicola Kerr
Planning Technician
San Miguel County Planning Department
Office: (970) 369 5438
www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

San Miguel County is hiring! Take a look at our open positions

SMC ReferralWedding Bell.Radium Hill Project.pdf
21117K

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

M E M O R A N D U M

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Starr Jamison, County Natural Resources and Special Projects
Janet Kask, County Parks and Open Space
Bill Masters, County Sheriff
Lucas West, Colorado Division of Reclamation, Mining and Safety
Mike Cosby, Colorado Department of Public Health & Environment
Mark Caddy, Colorado Parks and Wildlife
Ryan Joyner, US BLM-Tres Rios Field Office

FROM: John Huebner, Senior Planner

RE: Mining Special Use Permit- Wedding Bell/Radium Hill Project

APPLICANT: Jim Guilinger , Thor Energy PLC

DATE: May 31, 2023

Please find the attached application submitted by the Jim Guilinger for your review and comment. The County Planning Commission meeting date is Thursday, July 13, 2023. Please provide your review comments by June 25, 2023 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

June 26, 2023

John Huebner - Senior Planner
San Miguel County Planning Department
333 W Colorado Ave, 3rd Floor
P.O. Box 548
Telluride, CO 81435

RE: Mining Special Use Permit- Wedding Bell/Radium Hill Project

Dear Mr. Huebner,

Colorado Parks and Wildlife has reviewed the Mining Special Use Permit application for Thor Energy, PLC c/o Standard Minerals, Inc. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

The proposed project is located within Wedding Bell and Radium Hill, in sections 21 and 23 of T45N:R15W, in western San Miguel County. The applicant seeks a permit to drill approximately 19 exploratory mining samples within public lands owned and managed by the Bureau of Land Management. Per the applicant, no patented claim exists. Drilling exploration activities, as described by the applicant, are largely core samples with a total of approximately 1.78 acres of above ground disturbance. CPW would like to offer the following recommendations to avoid and minimize impacts that would result from this proposal.

Wildlife

The project area lies within mapped winter range for bighorn sheep and severe winter range for elk which are identified by CPW as High Priority Habitats (HPH). The area is also habitat for numerous species that include but not limited to mule deer, mountain lions, bobcats, coyotes, cotton-tailed rabbits, jack rabbits and numerous non-game species.

Mule deer and elk use in the area is primarily during the winter months and until the end of April when migration to summer range begins. There is also a population of desert bighorn sheep in the area. Movements of this bighorn sheep herd are general, but common crossings do occur from Bull Canyon into Hamm Canyon near the proposed project area, which falls within winter range for the species.

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Carrie Besnette Hauser, Chair • Dallas May, Vice-Chair • Marie Haskett, Secretary • Taishya Adams
Karen Bailey • Betsy Blecha • Gabriel Otero • Duke Phillips, IV • Richard Reading • James Jay Tutchton • Eden Vardy

During the winter, ungulates are more vulnerable to disturbance due to reduced body condition and fitness. Disturbance during this time frame can impact individual animals and herd health.

CPW consistently recommends no permitted or authorized human activities within these HPH areas from December 1 to April 30. Given the high animal use during this time frame, impacts to wildlife would be reduced if the drilling activities occur outside of this time frame. This timing limitation would also reduce the potential for motor vehicle/wildlife collisions for workers commuting to the work site. CPW's recommendations for avoiding, minimizing, and mitigating potential impacts to these High Priority Habitats can be found here.

Surface Disturbance and Invasive Weeds

Due to historic mineral exploration and extraction, there are numerous roads and trails that have resulted in a high level of habitat fragmentation in this area. The low yearly precipitation rate in addition to soil characteristics contributes to overall slow recovery of range health. CPW recommends that the historic roads be utilized to the greatest extent possible, especially in the Groundhog area where historic mining roads can be utilized to access the majority of the proposed drill sites. CPW also recommends that Thor Energy, PLC reclaim all surface disturbance, specifically the 19 drill sites proposed and associated access roads.

One of the most visible and immediate threats to ecosystem health in the area is non-native/invasive weeds. Invasive weeds typically flourish following surface disturbance, and active weed management should be incorporated during and after the lifespan of the proposed project. In regards to post-mining reclamation, native drought tolerant revegetation is recommended.

CPW would like to thank San Miguel County for the opportunity to comment on such land use actions that have direct impact on our natural resources. If you have any questions, please feel free to contact District Wildlife Manager Tony Bonacquista at 970-209-2374.

Sincerely,

Tony Bonacquista
Nucla District Wildlife Manager
Colorado Parks and Wildlife
970-209-2374
tony.bonacquista@state.co.us

CC: Area 18 File; SW Region File; Rachel Sralla – Area 18 Wildlife Manager

Natural Resources Department

RE: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End

In response to the following permit Response: *Existing wildlife habitat information is shown on the Special Use Permit Map. Land uses located in areas of state and local interests shall comply with Section 5-407 A. and the standards in this section.*

Wildlife

The only wildlife included on the Special Use Permit Map is Bighorn Sheep. According to the *Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado*,[1] this project area also encompasses Elk Severe Winter Range, Gunnison Sage Grouse occupied habit and one active and one historic lek on County Rd. U29, the new access route for this project. Although the project will be outside the GuSG occupied habitat, the new access on U29 from Highway 141 is through an active lek. The following is taken from CPW's Recommendation chart previously mentioned.

Elk Winter Range

TL - No permitted or authorized human activities from December 1 to April 30; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.

Gunnison Sage Grouse

Gunnison Sage-Grouse Lek Site No Lease (Leasable Minerals only); NSO/NGD (year-round) within 1.0-mile of lek sites; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss. Relocate compressors > 4 miles from a lek and limit noise to not exceed 49 dB as measured 30 ft from the source.

Gunnison Sage-Grouse Occupied Habitat No Lease (Leasable Minerals only); CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of

[1]Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf

routes per square mile (640 acres). If route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.

U29 access from the South should be restricted from March 1 to June 30 to eliminate disturbance to the active lek. Ideally, this project could be accessed from the North U29, avoiding all GuSG habitat. Finally, a map with the habitat layers is attached to support the comments above.

Please let me know if you have any questions.

Sincerely,

Starr Jamison

Starr Jamison
San Miguel County
Natural Resources Director

Wedding Bell Mining 2023

GunnisonSageGrouseLek

SanMiguelRoads

BLM_CO_Gunnison_Sage_Grouse_Habitat_Areas - Habitat Area- Status

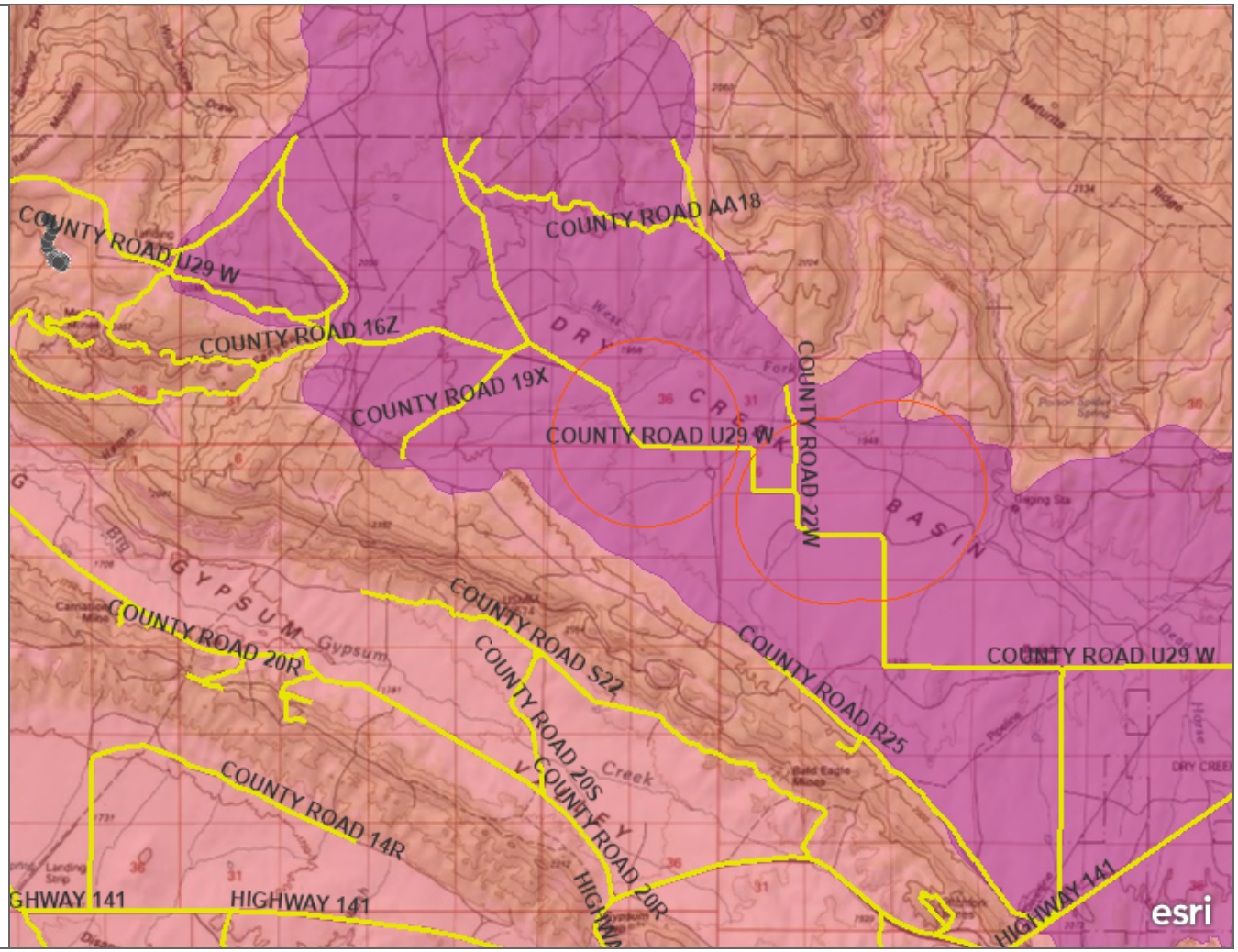
Occupied

Unoccupied

2023 Drilling Program - TE_WB_Prop2023 DHs Locs 10Apr2023TA

2023 Drilling Program - TE_WG_GH 2022 DHs 2023

2023 Drilling Program - TE_WB_Sec23 PDHs 2023 NOI



Copyright:© 2013 National Geographic Society, i-cubed | U.S Fish & Wildlife Service, Colorado Parks & Wildlife, BLM Colorado State Office | San Miguel County, Colorado GIS Department | Colorado Parks and Wildlife Biologists, District Wildlife Managers, and Researchers.

John Huebner <johnh@sanmiguelcountyco.gov>

Fwd: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End

1 message

Starr Jamison <starrj@sanmiguelcountyco.gov> Wed, Jun 28, 2023 at 4:45 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>, Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Hello Again,
Here are the comments from Ryan.
Thanks

---------- Forwarded message ---------
From: **Ryan Righetti** <ryanr@sanmiguelcountyco.gov>
Date: Wed, Jun 28, 2023 at 4:31 PM
Subject: Re: SMC Agency Referral: Thor Energy Mining SUP Wedding Bell Project II in the "Groundhog Area" & "Section 23 Area" West End
To: Starr Jamison <starrj@sanmiguelcountyco.gov>

Starr,

It appears that they are only using two pickups, a water truck and one drill rig. The biggest impact seems to be the new access roads that connect to the County Road. If they plan on reclaiming them all, then we can issue a temporary access permit with conditions of reclamation. If they intend to leave them in place for future or a more permanent use, we will need to issue a driveway access permit and make sure the location meetis all the standards in the LUC for driveways. Let me know if I missed anything, I scanned through it quickly. If they are not hauling over 3,000,000 lbs over the road and are not using the RoW for construction activity or traffic control, then it should be fairly simple and they will just need to submit an application for a permit before they start.

Thanks

Ryan Righetti
Director, Road and Bridge
San Miguel County, Colorado

970.327.4835 Office
970.327.4090 Fax

On Wed, May 31, 2023 at 9:43 AM Nicola Kerr <nicolak@sanmiguelcountyco.gov> wrote:

> Attached for your review and comment is an Application received from Jim Guilinger on behalf of Thor Energy PLC . The applicant seeks a Special Use Permit for Mineral Exploration on BLM land in the West End in the "Groundhog Area" and "Section 23 Area". Please provide comments by June 25, 2023 and let me know if you have any questions.
>
> Best regards,
>
> --
> --
> Nicola Kerr
> Planning Technician
> San Miguel County Planning Department
> Office: (970) 369 5438
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
> For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan
>
> San Miguel County is hiring! Take a look at our open positions

--
Starr Jamison
She|Her|Hers *(why pronouns matter)*
Natural Resources and Special Projects Director
San Miguel County
(O) (970) 369-5441
(C) (970) 729-9303
www.sanmiguelcountyco.gov
San Miguel County is hiring! Take a look at our open positions.

July 6th, 2023

San Miguel County Planning Commission
333 W Colorado Avenue
Telluride, Colorado 81435
cc: John Heubner, Senior Planner, San Miguel County
via email johnh@sanmiguelcountyco.gov

Mining Special Use Permit-Wedding Bell/Radium Hill Project

Dear San Miguel County Planning Commission:

Thank you for the opportunity to comment on the mineral exploration and mining special use permit application from Thor Mining and Jim Guilinger. These comments are submitted on behalf of Sheep Mountain Alliance and the Information Network for Responsible Mining (INFORM). SMA is a grassroots environmental organization in Telluride, Colorado. INFORM is a statewide nonprofit organization that addresses the impacts of hardrock mining in Colorado. We also appreciate the continued efforts of San Miguel County to increase public participation in mining special use permit applications.

The general location of the proposed exploration activities in the Wedding Bell and Radium Mountain projects is of great concern to our organizations, as they will likely experience negative impacts from mining activities and the area is of high value for its habitat and recreational resources. Wedding Bell is cherished for its natural scenic values, its proximity to the Dolores River, and the opportunities it provides for accessing the river canyon as well as for biking, climbing, hiking, wildlife viewing, camping, and jeeping. A San Juan County Hut Systems cabin is located near proposed drilling locations that would be especially impacted by drilling operations. These hut systems utilize U29 road for its mountain bike clients as well. Paleontological resources, historic artifacts and building remains from 19th and 20th century mining are present, indicating historic values for its connection to pioneering settlers as well as Indigenous peoples.

<u>Gunnison-Sage Grouse Habitat Impacts</u>

The US Fish and Wildlife Service found that the most substantial threats to the Gunnison Sage-Grouse (GuSG) currently and in the future include habitat decline due to human disturbance, small population size and structure, drought, climate change, and disease.[1] The proposed Wedding Bell exploration projects haul routes (SMC U29 road) are within identified critical, occupied and production areas of Gunnison Sage-Grouse[2]. Furthermore and most importantly the proposed haul routes along San Miguel County road U29 are within known Gunnison Sage-Grouse leks, and within the 4-mile buffer zone. In a recent Federal District Court decision[3], a judge overturned oil and gas lease sales in 2017 and 2018 in Southwest Colorado, due to the Bureau of Land Management's failure to consider the full environmental impacts these leases would have on Gunnison Sage Grouse habitats. We see this

[1] 15 79 Fed. Reg. 69192 (November 20, 2014).
[2] https://arcg.is/veXH0
[3] *Bd. of Cnty. Comm'rs of Cnty. of San Miguel v. U.S. Bureau of Land Mgmt.,* Case No. 18-cv-01643-JLK (D. Colo. Feb. 9, 2022*)*

exploratory permit proposal in a similar vein, and argue that though the permit zones are not within habitat areas, an expected increase in traffic on nearby public roads would impact the nearby Gunnison Sage Grouse habitats. These habitat zones are east of the proposed Wedding Bell exploration permit area, though should be considered part of the nearby public roads that are expected to see an increase in haul traffic. This concern is echoed from the last Wedding Bell exploration permit proposal. San Miguel County has a long history of commitment to the conservation of Gunnison Sage-Grouse, including joining as a party in the aforementioned lawsuit on oil and gas impacts to the threatened species. To continue to allow industrial uses of county roads within Gunnison Sage-Grouse habitat is to allow the further degradation of the species itself.

San Miguel County land use code section 5-407 VI states that "known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized." This land use code section, in conjunction with the legal implications of cumulative impacts to a threatened species such as the Gunnison Sage Grouse provide a difficult path forward for ongoing mineral exploration in the Wedding Bell region.

Conflicts with the Dolores River Canyon Country

The Wedding Bell/Radium Hill exploration projects are within spectacular views of the Dolores River Canyon County, and are within miles of the Dolores River Wilderness Study Area. The broader conservation value of the region is reflected in the introduction of legislation this year to create the proposed Dolores River National Conservation Area (NCA), the result of a decade of local and regional planning and stakeholder efforts to preserve the Dolores River corridor and the adjacent landscape. This federal legislation is supported by San Miguel County Commissioners, and has widespread support in Southwest Colorado. The legislation introduced in Congress states in Section 101(b), "The purpose of the Conservation Area is to conserve, protect, and enhance the native fish, whitewater boating, recreational and scenic, cultural, archaeological, natural, geological, historical, ecological, watershed, wildlife, educational and scientific resources of the Conservation Area." The Dolores NCA boundary is within a mile of the Wedding Bell project sites. The impacts of a potentially fully operational mining project should be considered in context of these described benefits of the proposed conservation area.

Public Land Impacts

The TAP 2 (Transportation and Access Plan Travel Area 2 Route Inventory, DOI-BLM-CO-S010-2022-0003) planning process is currently underway in the BLM Tres Rios Field Office (TRFO). The applicants intend on using San Miguel County road U29 on a daily basis. In a March 24th, 2022 TAP 2 scoping comment letter from the San Miguel County Commissioners, they stated "San Miguel County U29 road travels through Gunnison sage grouse (GuSG) lek buffer zones identified by CPW. The county, BLM and CPW have discussed the relocation of U29 over the years without a resolution. According to CPW staff, GuSG have not been counted on these leks since 2019, and based on climate conditions, we understand that they are unlikely to return unless conditions change. We should revisit these discussions based on the current and projected conditions.[4]" Coordination with the BLM TRFO and San Miguel County Road and Bridge should be undertaken to ensure the activities proposed are in line with the current inventory and analysis of travel routes in this field office.

[4] https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1302479/TAP_2__2_Comments.pdf

The surrounding area is abundant with cultural, archeological and paleontological resources, although it is largely unsurveyed for those resources. A condition of approving the Special Use Permit should require the operator to halt drilling if cultural resources are encountered during activities until the appropriate agencies can assess them.

The Wedding Bell area is already significantly degraded due to the high number of historic, unreclaimed drill roads from previous mining operations, so the proposed activities will increase the cumulative impacts the area is already experiencing. The operator should be encouraged to reclaim unauthorized off-road travel routes created by motorized users inside the project area if they are utilized for drilling. The project area provides important habitat to wildlife species of interest, including mountain lion, bighorn, black bear, mule deer and elk, as well as nongame species and a mature piñon-juniper ecosystem. Any drilling activities approved in the area should require consultation with the Colorado State Historic Preservation Office and, because they will occur on public lands, should also be subject to federal review under the National Historic Preservation Act. Additional commitments by the prospector should be required to preserve and protect any artifacts or historic features encountered during operations.

San Miguel County Land Use Codes

The San Miguel County land use code section 5 (review standards) outlines the specific requirements for two-step special use application. We appreciate the additional time it takes to prepare materials specifically for San Miguel County; however we request that all of the application requirements are fulfilled so that they can be thoroughly reviewed by the San Miguel County Planning Commission. This includes a drainage plan, which is especially important given the nature of mineral exploration. Off-site damages from stormwater events and waste disposal must be seriously considered in the permit conditions. Strict erosion and sediment controls should be utilized in order to prevent the release of any contaminants into the Dolores River basin, and the drilling locations and access roads pass through areas with steep slopes. The permittee should be required to provide sediment fencing around drill pads, mud pits, and any disturbed areas. At a minimum, provisions for a monitoring plan, lined mud pits, and off-site disposal of cuttings and other waste, which could potentially include radioactive contaminants or materials with acid-generating potential, should be required. Hazardous substances used for drilling should be stored onsite only when secondary containment structures are in place, in order to prevent damage to the surface from spills and leaks. We encourage you to require the best management practices that are appropriate for the drill sites in order to minimize any impacts to the watershed and to restore the area once exploration is completed.

Under San Miguel County LUC 5-1002B-Review Criteria it states under Cumulative Impacts, “If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.” We strongly recommend these cumulative impacts are taken into consideration for this application, given SUP’s were issued for this same property less than two years ago. In fact, the application itself states in regards to drilling locations, “up to eighteen (18) drill pads, stepping out from the 2022 drill hole locations.” In addition, located to the north of this project, another company is currently exploring for uranium in the adjacent area in Montrose County, indicating that cumulative impacts are occurring across county lines and increasing pressures throughout the basin.

Lastly, it is important to recognize that exploration is closely tied to the redevelopment of historic uranium mines and the return of an industry that has left behind a significant footprint of radioactive pollution and disturbed sites in the Dolores and San Miguel river basins. Thor Mining holds approximately 199 unpatented mining claims on public lands in the vicinity of Wedding Bell and Radium Mountain, both in San Miguel and Montrose counties, indicating the potential for a much larger uranium mine development in the future. San Miguel County is already burdened with the environmental and socioeconomic impacts of Cold War-era uranium mining, and our organizations would like to see a comprehensive cleanup effort of historic mine impacts before active uranium mining is considered again.

Thank you again for the opportunity to comment.

Sincerely,

Mason Osgood
Executive Director
Sheep Mountain Alliance
P.O. Box 389
Telluride, CO 81435
(970) 728-3729
mason@sheepmountainalliance.org

Jennifer Thurston
Executive Director
Information Network for Responsible Mining
2205 W. 136th Ave. Ste. 106-311
Broomfield, CO 80023
(303) 586-1437
jennifer@informcolorado.org

AGENDA ITEM 6.a

TITLE:
Overview and discussion of the Code of Ethics for Board members

Presented by:
Time needed:

PREPARED BY:
Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
Code_of_Ethics_2023.docx

Description:

Code of Ethics / Code of Conduct
San Miguel County Boards, Commissions, and Advisory Groups

As a member of a County Board, Commission, or Advisory Group, I agree to:

1. Strive to attend all regularly scheduled meetings and review meeting materials prior to those meetings;

2. Make decisions only after I have had the opportunity to review all information and evidence and hear comments and follow a full discussion at a properly noticed and scheduled meeting;

3. Render my decisions based on the available facts and my independent judgment and I will refuse to surrender that judgment to individuals or special interest groups;

4. Encourage the free expression of opinion by all members of the County Board, Commission, or Advisory Group and seek systematic communication with San Miguel County citizens;

5. Avoid being placed in a position of a conflict of interest and refrain completely from using my position on the County Board, Commission, or Advisory Group for personal or partisan gain;

6. Promptly disclose any conflict of interest or personal or private interest in any matter proposed or pending before the County Board, Commission or Advisory Group and recuse myself when required. If I must recuse myself, I will refrain from attempting to influence the decision of the other members in voting on the pending matter as required by the County's Conflict Policy, attached;

7. If I have disclosed a personal or private interest not requiring recusal, I will affirm that, notwithstanding such personal or private interest, I will be impartial in acting on such matter;

8. Take no action that will compromise the County Board, Commission or Advisory Group or San Miguel County and respect the confidentiality of information that is privileged under applicable laws;

9. Avoid "ex-parte" contacts and not discuss a matter that is, or may come, before the County Board, Commission or Advisory Group with any person, such as the applicant or an objector;

10. Disclose all unsolicited materials and information that I have received pertaining to a matter before the County Board, Commission or Advisory Group and affirm, if appropriate, that I will be impartial in acting on such matter. If I receive any

such unsolicited materials and information, I will promptly forward the same to the appropriate San Miguel County Staff;

11. Recognize that as a member of the County Board, Commission, or Advisory Group, decision-making authority rests with the County Board, Commission, or Advisory Group as a body and not with individual members;

12. I agree that once a majority of the members of the County Board, Commission, or Advisory Group have reached a decision or position, I may prepare a minority opinion on such matter. However, I recognize that the majority opinion is binding and I will support the decision or position of the majority moving forward;

13. Follow appropriate procedures and protocols during meetings;

14. Further, as a member of the County Board, Commission or Advisory Group, I recognize that I am representing San Miguel County; therefore, I will strive to:

- Conduct myself in a courteous and respectful manner with my colleagues, staff, and the public;
- Be attentive to all persons participating in the meeting; and
- Participate as a team member.

I have read and understand the above provisions and agree to comply with its terms and conditions. Failure to follow these provisions may be cause for my removal from the County Board, Commission, or Advisory Group by the Board of County Commissioners of San Miguel County.

_____
County Board, Commission or Advisory Group

_____ _____
Signature Date

_____
Printed Name