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COUNTY OF PARK
Director of
Development Services



November 3, 2020

Jim Mastroianni
Via email: pmastro56@gmail.com

Dear Jim,

Re: Mineral Resource Area 1041 Review and Finding of No Significant Impact
Proposed Beautiful View Minor Subdivision

I have reviewed your proposal for a minor subdivision of a 40.69-acre parcel described as a portion of the S1/2N1/2 and N1/2SW1/4 of Section 25, Township 6S, Range 73W, addressed as 407 Old Sawmill Road, Bailey.

It is my understanding that the property will be divided into a 32.49-acre lot, which was developed residentially with a house and garage in 2009, and an 8.20-acre lot which will be sold as a vacant residential lot. Based on the information provided, I have summarized your proposal's compliance with the Mineral Resource Area approval standards as follows.

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Section 502 Basic Approval Standards.

- A. The following basic standards shall apply to *all* applications subject to review under these Regulations.
1. **Prior to site disturbance associated with the Project, the applicant can and will obtain all necessary property rights, permits and approvals.** The subject property is owned by the applicant per Warranty Deed recorded at Reception No.653019 on June 22, 2008.
 - a. **The project will not impair property rights held by others.** This minor subdivision will divide the applicant's land into two lots and will not affect any other known property rights.
 2. **The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.** The applicant has the financial capability to apply through Park County for a minor subdivision and to pay for all requisite surveys, reports, tests and requirements necessary to meet all standards of approval for a subdivision. The expertise required

to prepare the application comes from professionals such as the surveyor and the water testing company.

3. **The Project is technically and financially feasible.** Creating one small, new parcel of land to sell appears to be financially feasible at this time.
4. **The Project is not subject to significant risk from natural hazards.** The entire original parcel is fairly steep, with grades of 30% and greater in many areas. The proposed new lot does meet the new lot development standards, such that if more than half of the lot has a greater than 30% slope, it must be a minimum of eight acres. There is a geologic hazard area of potential rockfall on the west side of the property but none of this area is included in the new, vacant lot, and the house was built east of the hazard area. There is no flood plain in this area.
5. **The Project is consistent with relevant provisions of applicable land use and water quality plans, and will encourage appropriate land use.** This subdivision is consistent with the land use regulations. The land is zoned Residential and the use will be residential. The applicant has obtained both water quality and quantity tests on his existing well and has met subdivision regulations.
6. **The Project will not have a significant adverse effect on land use patterns.** The Subdivision will have no significant adverse effect on land use patterns as it is simply creating one new residential lot for sale within the Residential zone district.
7. **The Project will not have a significant adverse effect on the capability of local government to provide services, or exceed the capacity of service delivery systems.** As there is only potential for one new single-family residence, the Subdivision will neither have an adverse effect on the capability of local government to provide services, nor exceed the capacity of service delivery systems.
8. **The Project will not have a significant adverse effect on housing availability or cost.** The Subdivision will not have an adverse effect on housing availability or cost, as it is creating one more buildable lot.
9. **The Project will not create an undue Financial burden on existing or future residents of the County.** The Subdivision will not create any foreseeable financial burden on existing or future residents of the County.
10. **The Project will not significantly degrade any current or foreseeable future sector of the local economy.** The Project will not degrade any current or foreseeable future sector of the local economy.
11. **The Project will not have a significant adverse effect on the quality or quantity of Recreational opportunities and experience.** The Subdivision will not have an adverse effect on recreational opportunities, as this land has been zoned Residential and is privately owned.
12. **The planning, design and operation of the Project will reflect principals of resource conservation, energy efficiency, recycling or reuse.** The proposed subdivision is very small, and the addition of one home here will create no more disturbance, and require no more energy than any other proposed single-family residence.
13. **The Project will not significantly degrade the natural environment.**
 - a. **Air quality** – No impact.
 - b. **Visual quality** – Little to no impact.
 - c. **Surface water quality** – Little to no impact.

- d. **Groundwater quality** – Little to no impact. Applicant has entered into a contract with HASP in order to meet State standards for new well permits, and has also provided a guaranty that enough water to run a household can be delivered, should production of a viable well be found to be impossible.
 - e. **Wetlands and riparian areas** – Little to no impact. U.S. Fish & Wildlife Service mapping indicates no wetlands within the project boundaries.
 - f. **Terrestrial and aquatic animal life** – Little to no impact. Although the project is within a High Wildlife Impact Area, the addition of one more single-family home should not greatly impact wildlife. There should be no impact on aquatic animal life. Colorado Parks and Wildlife has stated that they have no serious concerns about this development and the County 1041 Wildlife Administrator has issued a written statement of No Impact.
 - g. **Terrestrial and aquatic plant life** – Little to no impact.
 - h. **Soils and geologic conditions** – Little to no impact.
14. **The Project will not cause a nuisance.** A minor subdivision should not cause any nuisance.
 15. **The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.** The subdivision is not in an area of significant cultural impact, per County maps.
 16. **The Project will not result in unreasonable risk of releases of hazardous materials.** There will be no hazardous material used in creation of the subdivision or in the eventual development of the residential property.
 17. **The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing or commercial resources within the County, or the losses of opportunities to develop such resources.** There will be no loss to the County, as the historical residential use of the property is not changing. An added property will gain the County a small amount of tax revenue.
 18. **The Project represents the alternative that best complies with these Regulations.** This minor subdivision will not significantly impact the County, surrounding property owners, or the environment.
 19. **The Project is needed within the County and/or area to be served.** Northern Park County has been steadily growing in population and it appears there are still large numbers of people currently seeking housing and land. Adding to the vacant land inventory in this area makes more sense than creating new lots in the areas of the County that still have thousands of vacant lots.

Section 503 Additional Standards Applicable to Mineral Resource Areas.

A. In addition to the standards in Section 502, the following standards apply.

1. **Extraction and exploration of minerals shall be accomplished in a manner which causes the least practicable environmental disturbance. Surface area disturbance associated with the Project shall be reclaimed in accordance with the provisions of Article 32 of Title 34, C.R.S.** There will be no extraction of minerals or exploration associated with this Subdivision.

2. **Areas containing only sand, gravel, quarry aggregate or limestone used for construction purposes shall be administered as provided by Part 3 of Article 1 of Title 34, C.R.S. N/A**
3. **The proposed extraction and exploration of minerals would not cause significant danger to public health and safety.** There is no proposed extraction or exploration of minerals.
4. **If the economic value of the minerals present is less than the value of another existing or requested use, the other use should be given preference. Other uses which would not interfere with the extraction and exploration of minerals may be allowed.** Mineral mapping shows a high potential of dimension building stone, fluorspar and low temperature geothermal in the area with varying evidential support. It also shows that these resources are widely available on the west side of the county. Due to the limited scale of this potential residential development, access to minerals for future mineral extraction on the parcels remains available. Existing development on adjacent properties makes commercial-scale mining unlikely in the area, unless there was a discovery of high-grade mineral quality and quantity.

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Based on the information above, and in consideration of the standards of approval contained in our Mineral Resource Area 1041 Regulations, I have concluded that your proposal does not degrade the future ability to extract mineral resources on your property or properties around you, and presents little to no impact on surrounding properties and the environment. Therefore, you are hereby notified of my Finding of No Significant Impact. Your project is not subject to the major permit review or 1041 permit requirements. Please let me know if you have any questions.

Sincerely,



Sheila Cross
Park County
Director of Development Services

ec: Board of County Commissioners
Tom Eisenman, County Manager
Erin Smith, County Attorney