

San Miguel County

CODE OF THE WEST

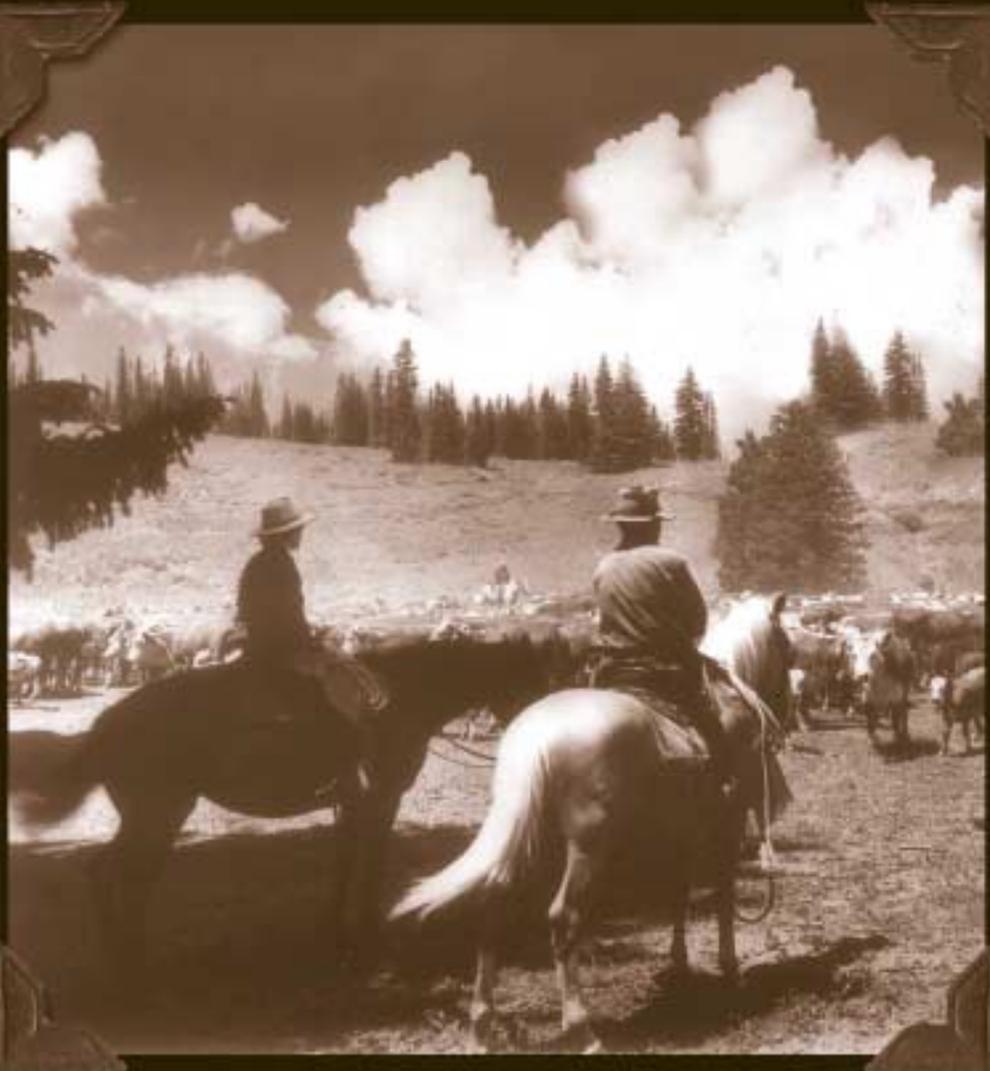


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I. Introduction - Respect for the West



Over the centuries people of diverse ethnicities and walks of life have made their living in the rugged mountain and mesa country of southwest Colorado...ancestral Pueblo people, Native Americans, Spaniards, prospectors, hunters, ranchers, farmers, miners, and most recently recreationalists. Many came seeking a new life. Some wanted open space where they could build ranches and plant crops. Some, having heard of untold treasures of gold and silver buried in the mountains, came looking for overnight fortune. More recently people moved west hoping to find open spaces, a clean environment and uncrowded living conditions.

Over the two centuries of European settlement of the West, people living in rural areas have created a tacit code of conduct based on respect for the land, respect for your neighbors, and respect for others who share this place, including wildlife.

In the big picture, the overriding tenets of the code are respect for nature, the land, and people and a willingness to lend a helping hand. These are the values that knit rural communities together. Get to know your neighbors. They are valuable sources of information about what it takes to live in a rural area. Neighboring farmers and ranchers will especially appreciate your learning about their operations and understanding how you can co-exist with them.

Understanding the unwritten code that is in effect here is important. We hope this guide will prepare you for your new life in San Miguel County and help you build good relationships with all your neighbors —whether they are two- or four-footed.

II. San Miguel County Profile



Located on the western slope of Colorado and bordering Utah, San Miguel County is a mostly rural county that consists of 1,287 square miles.

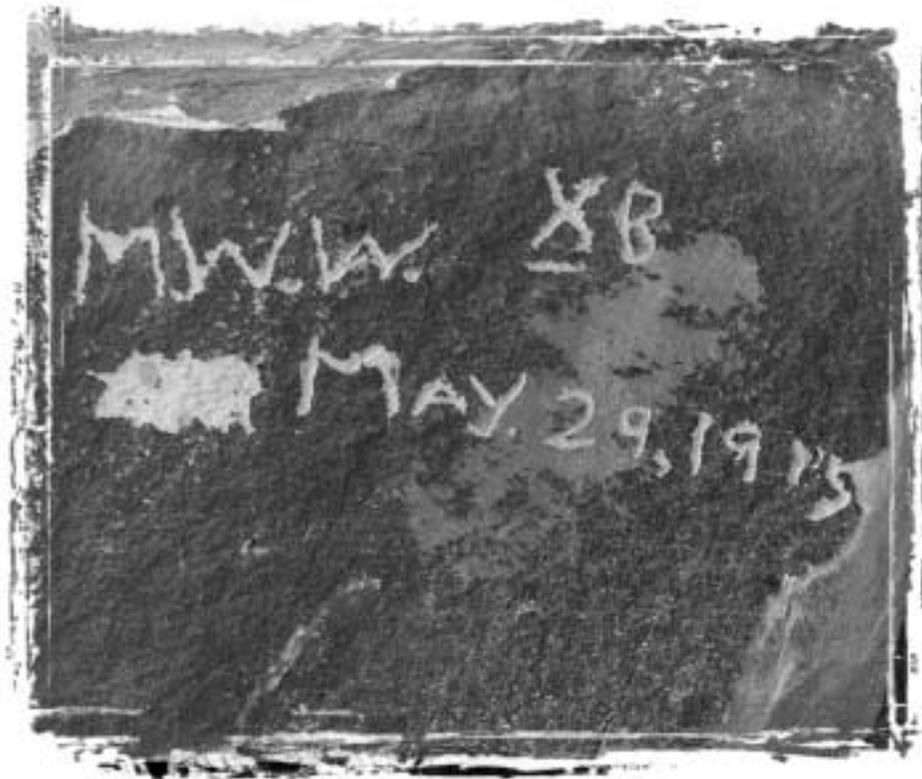
Over the past 150 years, settlement of the county has paralleled that of the Rocky Mountain West. Mining in the county began in 1875 with placer mining and the discovery of the first underground lode. The county was formed in 1883 from part of Ouray County, and the same year, Telluride was designated its county seat. From the end of the 19th century until the 1970s the area's economy boomed with mining. Gold, silver, lead, and other valuable metals were extracted from the mountains until the last quarter of the 20th century when pressures of the declining availability of accessible veins and increasing costs of environmental mitigation diminished the financial viability of mining. In the past three decades mining as a local industry has been supplemented by agriculture, logging, small industrial enterprises and recreation.

With the expansion of the resort economy in the Telluride area and the ebb of mining, as well as ranching and farming, more and more residents of the county are making their living in resort-driven industries, such as tourism, service, and construction. Additionally, the attraction of the

mountain lifestyle and the wealth of the resort economy has brought with it a steep hike in the local population. In the last decade of the 20th century the county's population increased 50 percent, reaching 6,125 people by the end of 1999.

In many ways the remarkably varied topography of the county, its mountains, rivers, and canyons, defines its character. The east end of the county enjoys over 50 inches of precipitation each year and, as a consequence, has high alpine, forested basins intersected by streams, many of which run most of the year. By contrast, the western portions of the county receive less than 12 inches of precipitation per year. Lower elevations are characterized by semi-arid rangeland and irrigated agricultural lands.

The San Miguel River also defines the county. The river's headwaters begin in the high elevation, alpine zone in the east end of the county and flow northwesterly for over 80 miles to its confluence with the Dolores River, bisecting the county. Over that course the river drops 7,940 feet at an average rate of 1.9 percent, and when it reaches the confluence, it has drained approximately 1,550 square miles of land.



Land ownership is another defining characteristic of the county. The majority of the county — 67 percent — is owned or managed by the state or federal government. By comparison, 40 percent of the state of Colorado is owned or managed by the two governments. The largest land managers in the county are the Bureau of Land Management, which manages 298,733 acres, and

the U.S. Forest Service, which oversees 175,031 acres. The Colorado State Land Board and the Colorado Division of Wildlife also manage significant tracts of land in the county.

Each agency has its own rules about access to and use of its lands. All of them want to work with neighboring landowners to promote good stewardship on issues that cross ownership boundaries, like protecting riparian areas along streams and lakes, maintaining wildlife habitat and migration routes, controlling weeds, keeping forests healthy, and reducing wildfire hazards.

“When I Came West”

*When I came west
I had never seen an elk, autumn dun
and bright buff, or heard an errant
owl ghost call from the thick shadow
of a pine, smelled the sharp tang
of wood smoke wreathed in my hair
or washed half naked in the glacial
spill rush of a river half a world away.*

*I never knew the gut deep intimate
warmth of milking goats, scattering
wheat for squabbling hens, the uncommon
joy of breaking bales for frost-crusting
horses, the mystery of unraveling a tale
of tracks and blood in the snow,
the silk-sand tongue of a cat washing
my stub-nailed and milk-stained hands.*

*In the remote rootcellar’s dank
darkness, fear crawled over my skin,
dim candle light flickering over
thousands of hibernating daddy-longlegs
that clutched the ceiling in spidered clusters
as I knelt to rub away sandy soil from
strange roots - rutabaga, turnip, beet-
scrubbed them one by one on the riverbank.*

*Obscure spring soil gave up her bounty
of earthworms shoveled from their subterranean
sleep. Kissed by the newly awakened power
of the sun, I watched them writhe and weave
back into black earth where I planted
rows of peas and beans, coaxed strawberries
out of winter’s wrap of mulch and straw,
rinsed my hands in a snow melt pond.*

*Loneliness lurked in my heart’s smallest
corner. Once an enemy kept carefully
at bay by city lights I called her out face
to face everyday, tasted her name on my*

*silent tongue, turned her into an uncanny
comfort, wrapped her around me like fur,
danced with the dog, sang under the stars,
rode wild on a glass-eyed paint in the rain.*

- Laurie Wagner Buyer

“When I Came West” is reprinted from *Glass-eyed Paint in the Rain*, with permission of the author, Laurie Wagner Buyer.

Please take the time to read this booklet. It is designed to give you a sense of what living in San Miguel County is like. There is a lot more to San Miguel County than you can learn from reading this booklet, but we ask you to take some time to consider this information so that you can enjoy living in a rural area and perhaps be more for the twists and turns life in the country has to offer.

III. Farming and Ranching



Rural living has many idyllic moments. From your new house, scenic vistas roll uninterrupted across open pastures to mountain peaks. Across the road cattle graze quietly in a meadow. Hay fields line the dirt road to your new house. Sunsets are beautiful and peaceful from the swing on your front porch.

Life in the country is not always peaceful, however. Dirt roads turn to mud during spring's snowmelt. Ranchers and farmers stir up dust, and their farm equipment can make a lot of noise early in the morning and late at night when they are trying to get in a cutting of hay. Fall harvest, spring calving and summer planting are particularly busy, as well as noisy and dusty, at times.

Colorado's Right to Farm Law

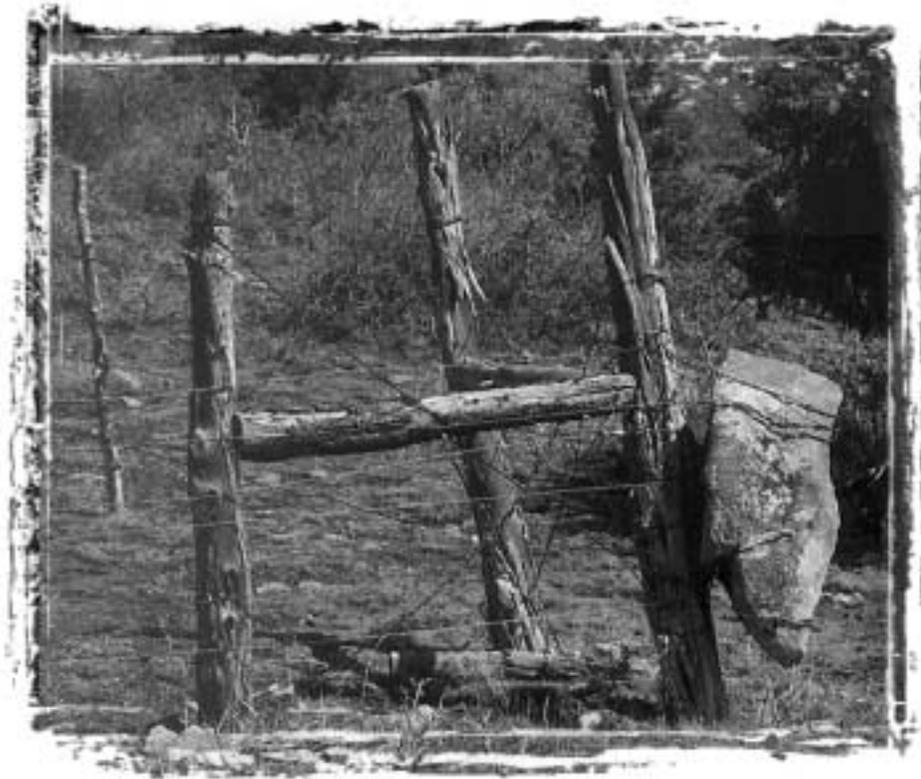
Agriculture is important business in Colorado and in San Miguel County. To encourage and protect agricultural operations, Colorado enacted a "right to farm" law that protects farmers and ranchers from nuisance and liability lawsuits. This law recognizes that normal operations cannot be the basis of a lawsuit by a neighboring landowner.

The Nature of Agriculture

Though farmers and ranchers have legal protections, they do not want to spend valuable time defending lawsuits from neighbors. They would prefer their neighbors understood a few things about ranching and farming before moving to a rural area.

In addition to the annual rites of calving, planting and harvesting, farmers also burn their ditches to keep them clean of debris and weeds, and at times, you may find yourself downwind of the smoke. Chemicals, mainly fertilizers and herbicides, are often used in growing crops, and these, too, may be carried on the wind across your property.

Farmers and ranchers keep livestock, and the animals and their manure can smell. The same animals can also harm human beings, and precaution should be used when you are near farm animals. Children, in particular, must know that it is not safe to enter pens or climb over fences where animals are kept.



In addition to tolerating his or her operations, the rancher or farmer down the road will expect you to keep up your land, and this usually means more than mowing your lawn.

For instance, your land may have noxious weeds, some of which can be poisonous to horses and other livestock. If you have weeds, state law requires you to control them. Some control measures can be expensive, particularly if you let the situation get out of control and weeds spread to neighboring lands.

You will also be expected to make sure your fields are covered with vegetation. Because the county sees little rainfall, there are times when too little grass grows and fugitive dust is kicked up by grazing animals and the wind. To meet the challenge of low vegetation on your fields, you may have to irrigate your fields and rotate your animals from one field to another to avoid overgrazing.

Colorado's Open Range Law

Colorado has an open range law, sometimes called the "fence law," that was enacted in the early days of statehood. Under the law it is your responsibility to fence out cattle and other livestock if you do not want them on your property. As a property owner you have the right to pursue a trespass claim for marauding livestock only if you maintain a "well-constructed" fence with "substantial posts...sufficient to turn ordinary horses and cattle." Without such a fence, you do not have recourse if a neighbor's horses, cattle or even goats, mules or buffalo come on your

property and graze in your vegetable garden. In other words, Colorado law does not require ranchers to keep their livestock off your property.

Additionally, Colorado landowners have an obligation to maintain one-half of the fence line along a property boundary shared with an adjoining landowner. Along county roads, fences are the responsibility of the landowner, not the county. Contact your neighboring landowner and work out the arrangements for maintaining the fence line.

Finally, if you own property bordering or inside wildlife areas, fences around your land should comply with the Colorado Division of Wildlife's standards on fencing. Contact the county planning department for designated wildlife sensitivity areas and fencing requirements within those areas.

Adverse Possession

In addition to keeping livestock out, in some cases, a neighbor's fence may encroach on your property. If a neighbor's fence has encroached on your property for more than 18 years and if the situation meets certain other criteria specified by Colorado statute, then the neighbor may have a right to claim ownership of your property. Before buying property, be diligent about reviewing a proper survey and understanding what encroachments, if any, are on your property. Also take time to review whether the property has water rights or other rights or liabilities associated with it before purchasing it.

Moving Livestock

In Colorado, it is customary in early spring and late fall for ranchers to use county roads and state highways to move cattle or sheep to different pastures. If you encounter a herd of cattle or sheep in the road, drive slowly through the animals unless the ranchers tell you otherwise. Please do not use your horn or get out of your vehicle.



Along these same lines, ranchers have their reasons for leaving their gates open or closed. By all means, if you find a gate closed, leave it closed. And by the same token, if you find a gate open, leave it open.

Irrigation Ditches

San Miguel County's average rainfall of 23.3 inches is not enough to maintain good grazing pasture or to grow most crops. Over the years ranchers and farmers have built an intricate system of irrigation ditches that carry water from reservoirs that store snowmelt to their properties. The ditches, which now criss-cross mesas and agricultural lands, may carry water across land owned by those who do not have any rights to the water.

Existing irrigation ditches have protected legal status — even if they serve another property owner and are not shown on a survey plat. Water owners have the right to maintain the ditch, to keep it free of fallen trees and clear it of mudslides, for example. This means the water owner can cross your land in his or her efforts to maintain the ditch on your property. If there are irrigation ditches crossing your land, know where the ditches and headgates are located.

Minimizing Conflicts Between Neighbors

Though your neighbor might live a ways down the road, your efforts to be more aware and respectful of your neighbor should not be equally distant. Many times if neighboring landowners are not conscious of how they affect each other, conflicts arise from real and perceived

differences. Getting to know your neighbors and establishing a relationship with them will go a long way toward minimizing conflicts.

A recurring sore point for ranchers and farmers is free roaming dogs. When livestock are chased by dogs, they risk physical injury and suffer stress that can cause weight loss. Livestock that are harassed by dogs may become high strung and difficult to control. Dogs also kill young livestock, particularly lambs.

Ranchers have the right to protect their livestock and may shoot dogs that are threatening animals. Be sure your pet stays on your property and is under your control at all times.

Respecting Private Property and Privacy

San Miguel County has seemingly unending open space, much of which is not fenced. If a property is not fenced it does not mean that it is okay for you to cross it. You have a responsibility to know who owns the property and whether that property owner has agreed to allow you on his property, regardless of whether or not the property is fenced.

Typically, it takes landowners many years to build a relationship of trust and friendship to the point where one allows the other to trespass on his or her land. Others fear that newcomers do not understand the need to close gates and leave their dogs at home when crossing a neighbor's land. In other instances, a landowner may have leased the exclusive right to use his or her land to a hunting or fishing group and the lease agreement prohibits others from using the property.

Ask first before entering private lands. Even when you are doing something as seemingly harmless as walking across a meadow, ask first.

To obtain a map showing public lands and public roads, ask the county assessors office, the county planning office, or local bookstores.

“This Place”

- for Kathy and Joe

*We're newcomers, the deer old-
timers, more theirs than ours
the pond water they pause to drink,
the land they lie on near the house
that first night we called this place home.*

*Revelation comes mysteriously, on
nearly silent hooves, generations
of arced tracks mark the snow-quilted
earth as already taken, migration
routes far older than platted lots and
roads, a sacred deed though never written.*

*The deer that come to drink stop,
curious, all eyes and ears, watch*

*us watch them, flip their aristocratic
black tipped tails, spring away, reminding
us to tread lightly on this their treasured place.*

- Laurie Wagner Buyer

“This Place” is reprinted from *Glass-eyed Paint in the Rain*, with permission of the author, Laurie Wagner Buyer.

IV. Weeds and Soils



Weeds

Weeds, weeds, weeds. You always thought of weeds as dandelions that yellowed an otherwise carpet-like green lawn. In the county, weeds can be more than a visual mar on the landscape. They can also be poisonous to you, your children, pets, and livestock. Noxious weeds, like dandelions and a host of others, are aggressive and competitive; they steal moisture, nutrients, and sunlight from other plants. They can infiltrate a field of crops and make it useless as feed. Like dandelions, weeds spread fast and show up everywhere, if not actively controlled.

Colorado's Noxious Weed Act requires landowners to control noxious weeds on their properties and identifies about 50 weed species as noxious. Under the law each county chooses weeds from the list that are, or may be, a problem to that county. San Miguel County has selected 14 weeds, which include: Russian knapweed, spotted knapweed, diffuse knapweed, leafy spurge, whitetop,

Canada thistle, bull thistle, musk thistle, Scotch thistle, common burdock, houndstongue, tamarisk, yellow toadflax, and oxeye daisy.

Of these, the oxeye daisy is particularly insidious. Though beautiful, the flower, which has white petals and bright yellow center, is resilient and aggressive and can take over and strangle native vegetation. Many times seeds of the oxeye, as well as those of other weeds, are included in wildflower seed mixes. People unwittingly buy the packets and spread them in their gardens. The daisies and others take hold, escape from the garden and quickly take over vegetation in bordering areas.

Check with the landscaper or merchant who sells you seed. Make sure the seeds are environmentally safe and keep in mind that disturbed soil from construction of roads or driveways is particularly inviting to some weeds, particularly thistle. The San Miguel Basin Weed Program provides information and some weed eradication services. See Contacts.

Soils and Vegetation

If your soil is covered by vegetation, that is a plus. By increasing water filtration into soils and holding soil in place, vegetation protects steep slopes and stream banks from erosion by wind, rain, snowmelt, irrigation and storm run-off. In addition to keeping soil in the fields, reducing soil erosion also improves water quality by keeping sediment (eroded soil) from entering streams.

A number of factors can contribute to low vegetation on your property. Overgrazing by horses, cattle, and other livestock can be a real problem; construction work can be equally problematic, as disturbed soils lose vegetation.

If your soils are not vegetated, find what you can do to plant native vegetation. Contact the local Natural Resources Conservation Service office or Colorado State University Cooperative Extension office for information on soil testing, vegetative plantings, and prevention of soil erosion.

“In Forty-Five Years”

*I've learned to see the mountains
as more than stone and mud.
Come to know my neighbors
as more than flesh and blood
I've grown to see the work I do
as more than passing time
Poetry means more to me
than getting words to rhyme
I'm now aware each day is more
than getting on with life
I see myself as more than just
my role as mom or wife
Life offers me a framework
like bones stripped bare and white
What I can do is flesh them in*

with muscle, love, and light.

- Peggy Godfrey

“In Forty-Five Years” is reprinted from *Write ‘Em Cowboy*, a collection of poems by Peggy Godfrey. © 1993 Peggy Godfrey

V. WATER



Water is scarce across the West, and San Miguel County is no exception. There are four things you absolutely must know about water.

First, there is not much of it. We can't emphasize that enough. Conservation of water and protection of water quality are paramount.

Second, the Western water law mantra “first in time, first in right” controls all water, every last drop. Western water law is very different from water law in the East. Ownership of land bordering a stream, or river or pond does not automatically grant you rights to use that water, as you would in the East. In Colorado water rights can be bought, sold, and inherited apart from the transfer of any property. In other words, it is possible to own water rights, but not own any property.

Third, the State of Colorado, through a special water court system, controls all water and wells. The county does not permit or control water.

Fourth, a permit from the State Engineer is required to drill a well.

For more information on who to talk to about water permits and water issues, see Contacts.

Riparian Areas and Wetlands

Though wetlands make up only 1.5 percent of the surface area of the state, acre for acre they are the most valuable type of land, as they benefit wildlife, tourism and outdoor recreation. Good stewardship of your property includes maintaining or improving riparian vegetation and wetlands areas. Healthy riparian vegetation prevents stream bank erosion, loss of water quality and loss of wildlife habitat. A healthy riparian system slows flood flows, reduces soil erosion and property loss. Such systems also keep streams flowing longer during the year and replenish groundwater by holding water in the soil.

Wetland areas provide food, cover, nesting, and breeding habitat for wildlife, as well as shelter to newborn calves, lambs, and fawns. They keep water cooler in the summer, prevent ice damage in winter, and reduce water pollution by filtering sediments, chemicals, and nutrients out of runoff. Wetlands in San Miguel County are protected by federal legislation and by county ordinance. Therefore, it is important to know whether wetlands are on your property. Section 404 of the federal Clean Water Act legally protects wetlands from destruction or a change in their function. Administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency, section 404 establishes a permitting process to ensure that excavating, dredging, or filling in a wetland or riparian area complies with the law.

To determine whether your property has wetlands or to determine the size and health of existing wetlands, have a specialist look at the type of soil, vegetation and hydrologic conditions.

Information on county wetland regulations can be found at the county planning office.

Preventing Water Pollution

Run-off from agricultural operations is a major source of water pollution. Livestock trample stream banks. Rain leaches contaminants from pens and corrals.

There are several things you can do to prevent water pollution in neighboring streams. Plant shrubs and grasses around corrals and pens to trap and absorb pollution-laden runoff before it reaches streams or groundwater. Locate corrals and pens away from streams and domestic wells. Use off-stream stock water tanks to keep livestock from trampling stream banks. Avoid over-irrigation: it wastes valuable water, leaches soil nutrients, causes erosion as well as unnecessary fertilizer and pesticide runoff. Locate your corrals and septic system down-slope of your drinking water well.

“Real Wealth”

*My neighbors don't live close to me
But we've each got our niche*

*Government says this area's poor
Our secret is: we're rich.*

*My wealth won't buy insurance
It won't trade in form much
But "rich," to me, is measured
By things no one can touch.*

*The hint of mint in native hay
Fresh, sweet mountain air
Owls perched high in cottonwoods
A golden eagle pair*

*Sheep that run toward my voice
Love in a little boy's eyes
The frying smell of just-caught trout
A winter when nobody dies*

*The pleasure of making a garden
Soft soothing drizzles of rain
One dazzling double rainbow
Good lessons that come without pain*

*Summers that age into autumns of gold
Wind humming songs like a choir
Sun shining bright on crystals of ice
That glitter like diamonds on fire*

*Courage to face the disasters
Laughter to lighten the load
Humor to flavor the tasteless times
Common sense to level the road
Joy filters through my senses
I know this life is healthy
Won't build up my bank account
But damn sure makes me wealthy*

- Peggy Godfrey

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VI. MOTHER NATURE



In San Miguel County, as in other parts of the world, Mother Nature is strong-willed and most of the time gets her way. Whether it is a wildfire started by a summer lightning strike, a mid-July flash flood in the San Miguel River Canyon or a February snowstorm that blocks your driveway, she usually has the last word.

When these things happen (and they will) the County will not always be there to bail you out. You are responsible for having water around to slow the wildfire, for staying out of the river when weather is threatening, and for having extra cans of soup in the cupboard when deep snows close you in. Here are a few things to think about.

The Climate

As stated above, San Miguel County is located in a high desert ecosystem where annual precipitation averages 23.3 inches and varies from 50 inches in the high elevations at the east end of the county to less than 12 inches in the west. Some say we have four seasons on the western slope of Colorado: winter, summer, fall, and mud season. In the high country, winter lasts a long six to seven months, mud season (which you used to call spring), lasts a month, and fall is often only a month. That leaves two to three months for a short, sweet summer.

In any part of the county, winter is something to be reckoned with. At the higher elevations in the east end it lasts from sometime in October to the beginning of June, and it is not unusual for the high valleys to see snowfall every month of the year. Winter storms can bring two or more feet of

snow and avalanches occur regularly. Never venture into snow-covered, unpatrolled slopes without avalanche training. For more information on weather, avalanche reports and avalanche training see Contacts.

Summer's monsoon rains typically begin in mid-June and keep things wet through August. A clear morning day that seems perfect for climbing a peak may turn to a raging and dangerous thunderstorm, delivering lightening, high winds and damaging hail by afternoon. Start your hike early in the morning and when you see weather building, descend from peaks and ridges to avoid being struck by lightening.

In lower elevations of canyon country, expect flash floods during heavy rainfall. The area's rocky terrain doesn't allow the water to sink into the soil. Instead, it runs off, building volume and speed as it moves downhill. Avoid traveling in flash flood territory when rain is imminent. If you are caught in a rainstorm and are in or near drainage, climb to higher terrain.

Power outages are common during and after heavy snowfall, rain, and windstorms. Keep candles, flashlights, cell phones, and battery-operated radios on hand. Also keep in mind that there are some parts of the county where cell phones simply do not work.

Hand-in-hand with our extreme weather go sharp fluctuations in temperature throughout the day. Even within one day the temperature may vary by 30 degrees. Daily temperatures in the spring, fall, and early and late summer often begin and end near freezing with a 40 degree climb during the day. Similar peaks and valleys occur throughout the year. In the winter months the coldest recordings are usually around 5 degrees below zero, and in the summer the average high is 90 degrees.

Generally, frost makes its last appearance during the second week of June, returning again around mid-to- late September. Above 8,000 feet freezing can occur at any time. Gardeners in the west end of the county can count on 110 frost-free days, whereas gardeners in the east end enjoy a brief 90 frost-free days.

Drifting Snow and That Howling Wind

Wind and driving snow are the rule of thumb in many parts of the county. Snowdrifts can form within an hour of plowing a driveway. Wind driven snow is often the consistency of concrete. Waterlines may freeze if the wind blows the ground free of snow. High wind and low temperatures can create a wind chill factor that, in only a few minutes, can freeze exposed skin.

You must be prepared for these things. No one else will do it for you. Wear warm clothes when you go outside in the winter and make sure your children do, too. Hats are essential.

Wildfire

Wildfire is always a threat. Every summer lightening sparks a fire, as do careless smokers, hikers, and campers.

Preventative measures begin when you select your building site. You can choose a fire safe location by taking into account access, slope, and surrounding vegetation. Also, when you choose

building materials for your house, avoid using flammable materials. For instance, choose a metal roof instead of a wood one. After you have moved in, do not use outdoor incinerators, such as garbage burn barrels, and have the phone number of the local fire department close by the phone.

If wildfire threatens your house, and it may, you are responsible for taking the necessary steps to mitigate the fire danger around your dwelling. Store firewood away from your house, fuel tanks, and trees. Maintain an area of green lawn or fire-resistant landscape around your home. Remove trees that have branches overhanging your chimney. Prune branches from the lower 12 feet of larger trees to remove "ladder fuels." Keep water and fire-fighting tools close at hand.

For more information on how to mitigate wildfire risk, contact your local fire district.

Wildlife

Mother Nature is not just the wind, snow, and sun. She is also the denizens of the woods around you — deer, elk, bear, mountain lion, bob cat, coyotes, beavers, raccoons, marmots, trout, chipmunks, and squirrels, to name a few. These creatures have been in this area for hundreds of years. They live here and will make their presence known if they are not treated with respect. After all, the house you are living in was built in their habitat. You moved into their home, and they may not be opposed to moving into yours. Keep in mind a few simple rules and you should have no difficulty living alongside your four-footed neighbors.

Bear and mountain lions are not uncommon in western Colorado. If you encounter them, do not be frightened by them. Mountain lions usually avoid people and encounters with them are only incidental.

In fact, maintaining a comfortable distance from wild animals is a good general rule to follow, and this includes abstaining from feeding animals. Feeding animals is illegal in Colorado and it creates all sorts of problems. Feeding results in congregation of animals, and when animals congregate they transmit diseases more readily. Feeding also draws animals away from their historic winter ranges, prevents them from migrating, and makes them dependent on human-provided food.

Sometimes property owners who own or feed livestock must deal with conflicts caused by big game. A typical problem is elk raiding small haystacks or feed yards where horses are being fed. Protect haystacks with tall fencing. In some cases the Division of Wildlife will provide fencing if certain conditions are met. Sometimes altering the time livestock are fed can solve the problem. If livestock are fed in the morning, there is usually very little feed to attract big game after dark, when they are more likely to be near human activity.

Not giving animals handouts is one thing. Inadvertent feedings can be another. Packs of coyotes have been known to dine on small dogs and cats. Deer lunch on flower and vegetable gardens. Bears learn to prefer garbage to chokecherries.

Bears, especially, can cause problems in the late summer when they are fattening up for the long winter hibernation. Bears usually fear people but will tolerate humans if they become accustomed to human food. These bears learn that rooting through a garbage can is easier than picking berries, particularly if summer rains do not arrive on time and the berry harvest is thin.

Attracting garbage bears can be avoided by removing food sources, especially garbage. Absolutely do not leave your garbage out for a few days, or even overnight. If you put the garbage out for the next morning's pickup, bears will certainly reach it before the garbage truck does.

Here are some other tips to keeping animals from becoming a nuisance:

- Cover window wells with grates, bubbles or hardware cloth.
 - Close holes around and under foundations, sheds and outbuildings.
 - Cover and keep tightly closed any garbage, pet or animal foods.
 - Use a bear resistant trash container.
 - Fence gardens and wrap trees with hardware cloth or plastic pipe.
 - Use moth balls or ammonia soaked rags to deter pests, such as skunks.
- Again, some of the basics. Keep your pet confined and protected. Don't feed the wildlife. Manage your dumpster and trash cans so that the contents cannot be accessed by dogs and wildlife. Keep your garbage inside until you take it to the dumpster.

If you have a problem with animals, call your local Colorado Division of Wildlife officer for advice.

“A Horseman's Wilderness Prayer”

*Silent night, starry night
You've blessed me with so many.
And placed me in the great outdoors
And filled my life with plenty.*

*Thank you Lord. You're gracious Lord,
For seeding me on western land.
At a time when some was still untamed
As I grew to be a man.*

*Silent night, holy night
I've been gifted by stars that shine,
Bathed by light in country wild,
A pristine sacred shrine.*

*Thank you Lord. I'm grateful Lord,
For leading me down this trail,
The one less taken, and made by horses
When free to their avail.*

*Silent night, peaceful night
May there always be this place
Of mountains, deserts, and canyons
For the adventurous of my race.*

*Thank you Lord. I adore you Lord
For pure streams and mountain air,
For a wilderness whose silent song*

Bids horsemen welcome there.

*Silent night, divine night
I am not one prone to prayer.
But, I've been privileged in the wild.
I know Lord, you are there.*

*Thank you Lord, I trust you Lord.
With your grace there'll always be
Some place of wildness on this Earth
For horsemen just like me.*

- John Nelson

“A Horseman’s Wilderness Prayer,” is reprinted from *My Participle’s Danglin’: a collection of cowboy poetry* with permission of the author. © 1997 John Nelson

VII. Building and Site Selection



Before Buying

Before deciding where you want to buy a house or buy land and build a house, please research San Miguel County and Colorado state land use regulations. As required by Colorado state law, San Miguel County has regulations regarding the subdivision and use of land. These regulations

are called the San Miguel County Land Use Code (LUC). These regulations, along with the San Miguel County Master Plan, help landowners and the county guide growth in a way that reflects the community's vision for the future. Assistance with and copies of the county ordinances or relevant sections may be obtained from the San Miguel County Planning Department.

Not all parcels are suitable for building, development, or subdivision. Geographic features such as steep and unstable slopes may limit the land's development potential. It is important to check with the county planning and building department to determine a parcel's land use classification and whether the parcel may, in fact, be developed.

Many subdivisions have covenants that contain design, house site locations, and other requirements. Some have a homeowners' association. If your property is in a subdivision with a homeowners' association, learn about its activities and your role in it. Violation of a covenant is a civil matter between property owners. San Miguel County cannot enforce subdivision or homeowners' association covenants.

When you purchase property, you may be provided with a plat or map. However, unless the land has been surveyed and pins placed by a licensed surveyor, you should not assume the plat is accurate. Some plats have special restrictions or requirements which should be read and understood. They may include details such as where a home may be placed on the property, size and type of outbuildings, easements, and other important information. Copies of recorded plats of subdivisions are available at the San Miguel County Clerk and Recorder's Office.

While San Miguel County does not issue business licenses, the county does require that a land use permit be obtained before establishing a new business in unincorporated areas of the county. The LUC details the process and requirements for obtaining land use permits for business enterprises within the county. Check with the county planning department before embarking on a commercial enterprise.

A Plan

Whether you buy undeveloped land or improved property, you will need a comprehensive plan before further developing your property. To make that plan you might consider asking yourself a few questions. First, why do you want to own the property? What do you want your property to do for you, now and in the future?

Next, sketch your prospective property and take notes on: the property boundaries and whether they are clearly marked; lay of the land, including direction and steepness of sloping ground, rock outcrops, etc; soils and fertility; water features like streams, ponds, and wet areas; presence and condition of ground cover such as grass, trees, and shrubs; wildlife and wildlife habitat; unique features, such as views, archeological sites, rare plants or animals; manmade features, such as fences, corrals, roads, mine tailings; utilities, like wells, septic systems, power and telephone lines; natural hazards, such as radon gas, swelling soils, and rockslide potential. Let these be your guides as to where to site your house, your garage or your driveway.

Design and Site Selection

In designing a master plan for your property, be a good neighbor and consider minimizing the visual intrusion of your buildings on the land. Select an unobtrusive location for a building site.

Site your home and any roads on stable soils and away from streams, floodplains and wetlands, as well as wildlife migration corridors or calving areas. Leave space for windbreaks and shelter breaks. Removing rock outcroppings can be difficult, dangerous, and expensive. Instead of removing them, think about using outcroppings creatively. In a similar vein excavations for foundations and utilities that remove large amounts of hard rock and cut tree roots can be expensive and difficult. Think about siting your house on another part of your property.

Choose a color for your house that blends into the environment. Select downcast exterior lighting. You probably moved to the country to see the night sky. For yourself and your surrounding neighbors, don't obscure the night view with extraneous light.

In places where the land is steep and rocky, natural geologic hazards, such as rock fall or avalanche routes, must be taken into account when locating your house. Check with county records to see if a geologic or wildfire hazard study has been done for your area. If a hazard exists, consult a qualified professional.

Heavy snowfall in much of the county dictates certain design considerations. In heavy snow years, steep-sloped metal roofs shed snow well. Low-sloping roofs will require lots of shoveling. Avoid roof designs that deposit snow onto decks, entryways, or driveways. Snow can harden like concrete in these areas if not removed promptly.

Also remember that a sunny spot in the summer may be a shaded deep-freeze in the winter. Shaded and cold driveways and walkways accumulate snow and ice. Look for a south-facing site where year-round you can take advantage of the strong southwestern sun and design your house with large south facing windows. The sun will keep your house warm, even in mid-winter. A north-facing house will have large heating bills.

Likewise, a north-facing driveway will likely require significant plowing. In the spring the driveway that has accumulated snow throughout the winter may have unmanageable washouts and ruts.

Living adjacent to public lands may be a mixed blessing. Uses by all types of people may bring the inevitable hiker, biker, picnicker, camper, hunter, fisherman, or snowmobiler nearby or onto your property.

Native Landscaping

Trees around your house look great. They can also help you save on heating, cooling, and plowing bills. A windbreak of trees, planted to block the prevailing wind, will reduce wind speed and may lower heating costs by 24 percent. The same trees can control snow deposition and may reduce plowing costs. In the summer the trees, now working overtime, will shade your house and lower cooling costs up to 50 percent.

Maintaining a healthy forest on your property takes some work. For instance, you should maintain a variety of tree ages and species suitable to your site. Remove infected trees and debris as soon as possible to reduce loss of trees to insects and disease. Avoid concentrated use of your forest by livestock. Livestock compact soils and damage trees by browsing and rubbing.

Native plants are adapted and perfectly suited to the harsh climate in San Miguel County. Their water needs are met by rainfall and snowmelt, and they can withstand the frost, the intense sun, and howling winds. They have proven their resistance to the occasional dry summer. Finally, they represent the greatest diversity possible in the given environment. Native plants do not require pesticides or artificial fertilizer, and they require only little maintenance. Native plants live in balance with each other and with the animals they feed and shelter. Lastly, native plants make up the look that attracted people to this region in the first place. For more information on native landscaping contact the San Miguel County Extension Office. A free publication, *"Gardening and Landscaping at High Altitude,"* is available at the San Miguel County Planning Department.

Soils and Vegetation on Your Building Site

Not all soil in the county is good for the site of a building's foundation. Soils vary widely in chemical make-up and physical properties, even within a distance of just a few feet.

Ask yourself these questions: Do the soils around the building or building site expand when they are wet and contract when they are dry? Is radon gas present in the soil and bedrock? Radon is a colorless, odorless gas that is a product of the decay of uranium and is common in our county. Sub-atomic particles emitted by decaying radon are estimated to be the second leading cause of lung cancer in the United States.



Is your building site on a slope of more than 7-10 percent? Is your building site on or near an abandoned mine or in a historic metal mining area? If so, you may want to seek professional advice.

Whatever soil type you find, you need to work with the your land's geology and its soil — not against them. A soils test by a licensed soil engineer can be extremely helpful.

Plant native vegetation, especially around your home's foundation. It will require less water and keep the soil from eroding. Again, be aware about introducing non-native species. They may be overly aggressive and escape your site, displacing more desirable native species.

County Roads and Private Access

If for privacy reasons you choose a building site far from county roads, keep in mind that getting there may be difficult, and during extreme (yet normal) weather, impossible. It will take longer in the winter than in the summer. If not seasonally maintained, a long drive can become rutted during spring snowmelt. The same road will be dry and dusty in the summer. Many roads in the county may be public roads but are not maintained by the County.

There will be times throughout the winter when the weather is so severe with high winds and blowing snow that you would do better to stay home than go out. If you do feel you have to go out, you may find that hard working county road crews have not yet plowed your nearest county road.

Vital to public safety and the smooth flow of traffic, main county roads— particularly roads T60, D65, 63A, 63L, 60M, 57P and 62L— are cleared and maintained first. Low volume roads are plowed after priority roads are cleared. To keep nearly 210 miles of county roads cleared, snowplow drivers drive in excess of 400 miles during each winter storm, plowing some roads several times. You can bet that the morning you have to be somewhere early, it will have snowed several feet during the night.

Many county roads are graveled. Graveled or dirt roads are scenic, but after time, especially with increasing traffic particularly that of heavy construction vehicles, gravel or dirt roads become rutted, have washboards and become dry and dusty during the summer. Other vehicles kick up small rocks that may crack your windshield. County road crews are limited in personnel and time and may not be able to maintain your road as much as you like.

If you decide rural living is for you, consider owning a four-wheel-drive vehicle. Make sure that during the winter your vehicle is equipped with tire chains, a shovel, a tow rope or chain, extra warm clothing, a blanket, water, food, a citizen's band radio or cellular phone, and jumper cables. However, do not think of your cell phone as a cure all. There are many areas of the county, particularly in the mountains, where cell phones do not work. If you find yourself stranded, you may have to help yourself out of trouble.

“Teed Off”

*Lonnie up and moved away.
He said he couldn't stand*

*the encroachment of these newcomers
and their attitude toward land.*

*He was foaled here in the Rockies.
Cut his teeth on horses' hide.
He loved his horses, loved his cattle,
loved to ranch and rope and ride.*

*He rerooted in Oklahoma.
To the flatlands he chose to roam.
I'd bet Hell froze over the very day
he left his mountain home.*

*Well, today it finally dawned on me
how he knew to change his song.
With snow gone from the horse pasture,
there were signs of somethin' wrong.*

*And that sign had popped up everywhere.
Hundreds of 'em, and that ain't funny.
I'd swear that we had been attacked
by a prolific Easter Bunny.*

*Or was it something the horses ate
and passed through them in time,
to dye those roadapples with red stripes,
Pure white, blaze orange, and lime.
I gathered in some samples,
for close inspection and to scrutinize.
And, now the reason for Lonnie's retreat
is not such a great surprise.*

*So listen up, my ranchin' friends,
and heed the signs of impending disaster.
The time has come to quit the country when -
you're findin' golf balls in your pasture.*

- John Nelson

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VIII. EMERGENCY SERVICES AND UTILITIES



Emergency Services

Keep in mind that, though emergency services are available, response times are typically longer in a rural area than in the city, especially during the winter. The Telluride Medical Clinic provides 24-hour emergency care, while only daytime emergency care is available at the Uncompahgre Clinic in Norwood. Seriously sick or injured patients are transported to Montrose Memorial Hospital by ground ambulance or to St. Mary's Hospital in Grand Junction by helicopter. The drive to Montrose from Telluride is approximately an hour and fifteen minutes, and the flight from Telluride to St. Mary's by helicopter is approximately one hour.

Utility Services

Water service in unincorporated areas of the county is provided by private water companies, special taxing districts, or more often, by a landowner's own well. Private water companies or taxing districts may charge a hookup or tap fee to provide water to property lines. A permit for all water wells is required from the Colorado State Division of Water Resources. The division may set limits restricting the amount and use of water from a permitted well.

Learn whether it is possible to install power and phone lines before choosing a building site. Electricity and telephone services are generally available throughout the county, although homeowners may be required to pay all or part of the cost to bring service to the home site since not all subdivisions have installed these services. Telephone lines are in great demand and

existing lines are near capacity. It is not unusual to experience delays of several months between the time you place an order and receive service. For more information contact San Miguel Power Association for electric service and call Qwest for telephone service.

Property outside of incorporated towns is not served by a central sewage system. Each landowner must build his or her own septic system. If you choose or have a septic system with an open leach field, it is a good idea to fence the field to keep out unwanted pests and domestic pets.

VI. CONTACTS



AVALANCHE TRAINING

Silverton Avalanche School - call San Juan County Search & Rescue at (970) 759-8691
Telluride Ski Patrol - (970) 728-7533

GRAZING

Natural Resources Conservation Service - 327-4245
Colorado State University Cooperative Extension - 327-4393
Grazing on Public Lands
Colorado State Board of Land Commissioners - (303) 866-3454

U.S. Bureau of Land Management - Montrose - 240-5300
U.S. Forest Service - Norwood District Ranger Office - 327-4261

Livestock Laws
Brand Inspection Division,
Colorado Agriculture Commission - (303) 294-0895

HOMESITE PLANNING
Colorado State Forest Service - (970) 491-6303
Natural Resources Conservation Service
Colorado State University Cooperative Extension
Utility Location Number - (800) 922-1987
call two business days in advance of digging

OPEN SPACE AND CONSERVATION EASEMENTS

San Miguel Conservation Foundation (970) 728-1539
The Nature Conservancy (970) 728-5291
Colorado Open Lands - (303) 694-4994
Colorado Coalition of Land Trusts - (970) 259-3415
Colorado Cattlemen's Agricultural Land Trust - (303) 431-6422

SAN MIGUEL COUNTY

Airport - 728-5313
Assessor - 728-3174
Building Department - 728-3923
Clerk and Recorder - 728-3954
Commissioners Office - 728-3844
County Attorney - 728-3879
County Planning Department - 728-3083
Day Care Programs- East End
Montessori School - 728-3324
Telluride Preschool - 728-5652
Rainbow Preschool - 728-3820
Rainbow Rascals - 728-3804
Mountain Munchkins - 728-9016
Day Care Program - Norwood
Prime Time Youth Care - 327-4336 ex 118
District Attorney - 728-4381
Elections and Voter Registration - 728-3954
Environment and Health - 728-0447
Extension Office - 327-4393
Fairgrounds - 327-4393
Marriage Licenses - 728-3954
Motor Vehicle Registration - 249-5426
Planning Department - 728-3083

Treasurer and Public Trustee - 728-4451
Road and Bridge - 327-4430
Sheriff
 Emergency - 911
 Non-emergency administration - 728-4442
 Ambulance - 911
 Fire - 911
Social Services - 728-4411
Veterans Services - 728-3954

SOILS

Soil surveys
Natural Resources Conservation Service - 327-4245

Soil Tests
Colorado State University Cooperative Extension - 327-4393

Geologic hazards
San Miguel County Planning Department - (970) 728-3083

Colorado Geological Survey - (303) 866-2611
Radon
San Miguel County Environment and Health Department (970) 728-0447
Environmental Protection Agency

Active mining and abandoned mines
Division of Minerals and Geology - (303) 866-3567

TREES AND FORESTS

Colorado State Forest Service, State office, (970) 491-6303

WATER

Well Permits
Division of Water Resources, Montrose Office (970) 249-6622
Ground Water Information Desk - (303) 866-3587

Water Rights
Colorado Division of Water Resources (303) 866-3581

Water Quality
State and federal water quality laws:
Water Quality Control Division of the Colorado Department of Public Health
and the Environment (303) 692-3500

Wetlands
County Planning Department - (970) 728-3083
Natural Resources Conservation Service - 327-4245
National EPA Wetlands Hotline - (800) 8832-7828

U.S. Army Corps of Engineers, Colorado River drainage - (970) 243-1199
EPA Region 8 toll free number (800) 227-8917

WEATHER

Colorado Weather Service - (800)-868-7964
Colorado Avalanche Information Center - (970) 247-8187

WEEDS

San Miguel Basin Weed Program – 327-0399
Colorado State University Cooperative Extension - 327-4393

WILDLIFE

Colorado Division of Wildlife (970) 249-3431
U.S. Fish & Wildlife Service (970) 243-2778
Colorado Natural Heritage Program (970) 626-3195