

**SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS
MINUTES**

Wednesday, May 15, 2024

Zoom.us

1) CALL TO ORDER.

9:30 a.m. Begin.

2) Roll Call

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, Special Projects Director

Rachel Allen, Assistant County Attorney

Nancy Willis, Paralegal

Carmen Warfield, Chief Deputy Clerk

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

- 6.a) Approval of Chair's signature on an agreement with Goff Engineering and Surveying for design work related to the Lawson Hill Trail project.

(ATTACHMENT - BOCC Agenda Doc - Lawson Hill Trail Design 05152024 (2).pdf)

(ATTACHMENT - Goff - SMC ICA for Lawson Hill Design Services (05092024).pdf)

MOTION by Kris Holstrom to approve the consent agenda as presented. **SECONDED** by Anne Brown. **PASSED 3-0.**

7) ADMINISTRATIVE MATTERS

- 7.a) Recognition of Richard Hamilton for 15 years of service to San Miguel County.

Presented by: Janet Kask, Parks and Open Space Director; Rich Hamilton, Parks Supervisor

- 7.b) Consideration of Chair's signature on Proclamation 2024-04 proclaiming May 2024 as Mental Health Month./MOTION

(ATTACHMENT - Proclamation_2024-04_May_2024_Mental_Health_month.docx)

Presented by: Melanie Wasserman, Tri-County Health

MOTION by Kris Holstrom to approve the Chair's signature on Proclamation 2024-04 proclaiming May 2024 as Mental Health Month. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT I - Proclamation 2024-04)

- 7.c) Consideration of a request by the Assessor to deny Petition #2024-4 for Abatement or Refund of Taxes, for the year 2023, Jaime Mastrobuoni (Elevation 8900), Lot 4 West Hastings Mesa, Schedule Number R1040929012./MOTION

(ATTACHMENT - Abatement Hearing Elevation 8900.pdf)

Presented by: Sarah Enders, Assessor; Jaime Mastrobuoni (Elevation 8900), Petitioner

MOTION by Anne Brown to approve the Assessor's recommendation to deny Petition #2024-4 for Abatement or Refund of Taxes, for the year 2023, Jaime Mastrobuoni (Elevation 8900), Lot 4 West Hastings Mesa, Schedule Number R1040929012. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT II)

8) PLANNING MATTERS

- 8.a) 10:00 am Public Hearing: Consideration of Highbury Resources Inc, Slick Rock Project Mining Special Use Permit / MOTION

(ATTACHMENT - BOCC Packet Materials -Highbury Resources Slickrock Project Mineral Exploration 051524.pdf)

Presented by: Kaye Simonson, Planning Director; Alex Kreile, DRS engineering representing the Applicant; Doug Beahm, representing the Applicant

10:12 a.m. The Chair Opened the Public Hearing.

11:46 a.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:

Bob Morrison, Geological Consultant; Western Small Miners

Doug Tooley, County resident

Jennifer Singer, 4 Corners Broadband

Mason Osgood, Director of Sheep Mtn. Alliance

MOTION by Anne Brown to approve a Mining Special Use Permit (SUP) for Highbury Resources Inc. or its contractor, for mineral exploration from drill pads on unpatented mining claims under Bureau of Land Management (BLM) public lands located in the Slick Rock area in west 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, and to adopt Resolution No. 2024-19 subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Highbury Resources Inc., and does not run with the Land.
2. No future mining activity at the project site by Highbury Resources 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 Highbury Resources Inc. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the terms and conditions of the Notice of Intent approved by the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) concerning this drilling program.
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 summer 2024, and shall end no later than November 30.
10. 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.

11. The revegetation plan shall include best practices to maximize available water.

12. Provide documentation regarding the water source(s) for the project.

13. It is requested that the site located in the proposed Dolores NCA and sites located adjacent to the Dolores River not be utilized. If utilized those sites will be fully protected with stormwater best management practices.

14. It is preferred that a local contractor be used. The name and address of the selected contractor shall be provided to the Planning Department. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT III - Resolution 2024-19)

11:55 a.m. Recessed.

12:01 p.m. Reconvened.

8.b) Public Hearing: Consideration of an amendment to the Land Use Code concerning Mine Hazards./MOTION

(ATTACHMENT - BOCC Packet Materials Mining hazards LUCA 051524.pdf)

Presented by: Kaye Simonson, Planning Director

12:09 p.m. The Chair Opened the Public Hearing.

12:13 p.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:
Gordon McPhee, County Resident

MOTION by Anne Brown to adopt Resolution No. 2024-20, approving an amendment to San Miguel County Land Use Code adding Section 5-712, Mining Hazards based on the finding that the proposed amendment complies with the standards of Land Use Code Section 51802, Land Use Code Amendments, and are consistent with Land Use Code Section 14, Purposes of the Land Use Code, and Section 2-8, Natural and Man-made Hazard and Resource Areas. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT IV - Resolution 2024-20)

9) **Lunch**

9.a) Consideration of Chair's signature on Proclamation 2024-05 honoring Jim Botenhagen's service to the County./MOTION

(ATTACHMENT - Jim Botenhagen Proclamation.docx)

Presented by: Mike Bordogna, County Manager; Lance Waring, Chair; Jim Botenhagen, Past VSO officer

MOTION by Kris Holstrom to approve the Chair's signature on Proclamation 2024-05 honoring Jim Botenhagen's service to the County. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT V - Proclamation 2024-05)

12:20 p.m. Recessed.

12:45 p.m. Reconvened.

10) **PLANNING MATTERS -continued.**

10.a) Public Hearing: Consideration of an Amendment to the San Miguel County Land Use Code Section 5-324, Community Housing (CH) Zone District, Resolution 2024-21/MOTION

Presented by: Kaye Simonson, Planning Director

1:00 p.m. Amy Markwell, County Attorney joined the meeting.

(ATTACHMENT - BOCC Packet CH Zone 051524.pdf)

(ATTACHMENT - Public Comments After Packet Creation.pdf)

1:21 p.m. The Chair Opened the Public Hearing.

1:58 p.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:

Paul Wisor, Town of Mountain Village

Dirk DePagter, County Resident

Shelly Duplan, Aldasoro HOA

Dan Enright, County Resident

Catherine Winchester, County Resident

Pam Bennett, County Resident

Emily Masson, Town of Telluride Resident

Pete Johnson, Resident of Ski Ranches

Harvey Roisman, County Resident

Lee Taylor, County Planning Commission

Nick Farkouh, County Resident

Douglas Tooley, County Resident

Ed O'Sullivan, Ski Ranch Resident

MOTION by Kris Holstrom to table the proposed Amendment to the San Miguel County Land Use Code Section 5-324, Community Housing (CH) Zone District, Resolution 2024-21 to strive for the following: Creating a CH ZONE TASK FORCE with community members (resident experts, those who have need for housing), select commissioner, planning commissioner member(s)

- Focus on CH Zone District
- Identify other suggested tools for consideration to use for affordable housing solutions
- Focus on Small scale projects - appropriate range - providing direction to applicants of when to go to the CH Zone or the AH Zone
- Max parcel size, density and units

. SECONDED by Anne Brown. **PASSED 3-0.**

~~10.b) Executive Session to receive legal advice pertaining to the Community Housing Zone district, citation C.R.S. 24-6-402 (4)(b).~~

2:26 p.m. Recessed.

2:39 p.m. Reconvened.

10.c) Public Hearing: Consideration of a Subdivision Exemption for Lot Line Adjustments: Lots #452132110028, #452132110051, and #452133312033, also known as Tract A and B of the Running Horse Ranch and Tract 12 of the San Juan Ranches./MOTION

(ATTACHMENT - Running Horse Ranch Lot Line Adjustment Application Packet)

Presented by: Nicola Kerr, Associate Planner; Kaye Simonson, Planning Director; Nicole Pieterse, Attorney representing the Applicant

2:55 p.m. The Chair Opened the Public Hearing.

2:57 p.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:

Tom Lechaye, County Resident

MOTION by Anne Brown to approve the proposed Subdivision Exemption for Lot Line Adjustments to adjust the property line between Parcel #452132110028, Parcel #452133312033, and Parcel #452132110051 as presented, to authorize the Chair's signature on the corresponding final plat, and to adopt the corresponding Board of County Commissioner Resolution No. 2024-18, finding that the proposed Subdivision Exemption for Lot Line Adjustments application is in

compliance with all applicable Land Use Code standards in Section 5-1203, Lot Line Adjustments, including the submission of a final plat that complies with the final plat submission contents required in Land Use Code, and complies with the following conditions:

1. All conditions set forth by referral agents.
2. Submission of a final plat containing a plat note stating that the new Tract AR1 may not be further divided by deed or otherwise, into more than one lot, except as may be approved by the Board of County Commissioners through the subdivision process outlined in the Land Use Code, and subject to compliance with all applicable standards of the underlying zoning and the Land Use Code. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT VI - Resolution 2024-18)

11) COUNTY HOUSING MATTERS

- 11.a) Consideration of a request from Benjamin Gardner and Shaylynn Serleth for an exception to the Amended Deed Restriction and Covenant Sections 5.2.1 continuing residence standard and 5.2.2 continuing employment standard./MOTION

(ATTACHMENT - Gardner-Serleth Memo.doc)

(ATTACHMENT - Two Rivers HOA Letter of Support.pdf)

(ATTACHMENT - Vermont Academy Employment Contract.pdf)

(ATTACHMENT - Gardner Exc App.pdf)

Presented by: Courtney McEleney, Executive Director, SMRHA; Lois Major, Special Counsel to the San Miguel County Housing Authority; Benjamin Gardner and Shaylenn Serleth, Applicants

Public Who Addressed the Board:

Douglas Tooley, County Resident

MOTION by Lance Waring to approve the findings of fact for the following motion that the Applicant needs to depart Telluride in order to return to the community with the requisite skills and professional development to continue his career path. The request is consistent with the purposes of the Covenant and the County, through this action and continues to support housing locals at a fair and reasonable price. Allowing the flexibility for life circumstances; based on the findings of fact above the amended deed restriction and Covenant sections 5.1.21; continuing resident standard and 5.2.2; continuing Employment standard for three years total, with annual Administrative compliance checks for both tenants and owners. With the [following] conditions:

1. Applicants shall be required to rent the Unit to a Qualified Household during the period of the requested leave.
2. Applicants shall memorialize the tenant agreement by a written Lease.
3. Leases must be for a minimum of 12 months.
4. Occupants must qualify or requalify at lease renewal.
5. Applicants shall provide the SMRHA with a copy of all lease agreements within seven (7) working days of their execution.
6. Applicants shall charge a maximum monthly rental rate of the following household expenses (mortgage, insurance, HOA dues, and utilities) +10%. RHA shall verify expenses.
7. If the applicant quits or is fired from the position at Vermont Academy, Applicant must return to the Telluride R-1 School District.
8. If the Applicants' plans change and They do not plan to return and work full time in the Telluride R-1 School District by June 1, 2028, the unit must be listed with SMRHA and offered for sale to a Qualified Owner by July 1, 2028. Further, if the Unit has not sold after six (6) months on the market, the Applicants shall reduce the asking sales price by 10% each quarter until sold.
9. No further requests for these Exceptions shall be considered for the next 5 years.
10. The SMRHA staff is authorized to administratively approve the Leave of Absence for two additional years if there are no changes in the applicants' circumstances and applicant provide an employment contract from Vermont Academy each year. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 11.b) Consideration of a request from Susan Knechtel for a Leave of Absence per the Affordable Housing Regulations and Guidelines Rio Vista II Section 5.2.4.1./MOTION

(ATTACHMENT - Knechtel Memo.doc)

(ATTACHMENT - Knechtel LOA Request.pdf)

(ATTACHMENT - Knechtel Intent to Rent.pdf)

(ATTACHMENT - Rio Vista II Letter of Support.docx)

(ATTACHMENT - Mountain Munchkins Letter of Support.pdf)

(ATTACHMENT - Current Tenant Letter.pdf)

(ATTACHMENT - Knechtel Affidavit.pdf)

Presented by: Courtney McEleney, Executive Director, SMRHA; Lois Major, Special Counsel to the San Miguel County Housing Authority; Susan Knechtel, Applicant

MOTION by Kris Holstrom to approve the required findings of fact and find that there is a bona fide reason for Applicant's leaving and a commitment to re-occupy the Unit upon her return. Therefore, I move to grant the request from Susan Knechtel for a Leave of Absence from June 1, 2024-June 1, 2025, with the following conditions as required by the Guidelines:

1. Applicant is required to rent the Housing Unit to a Qualified Household during the period of the requested leave.
2. Current Tenant(s) shall be recertified by SMRHA prior to lease renewal.
3. Applicant shall memorialize tenant agreement by a written lease.
4. Applicant shall provide a copy of all lease agreements to the SMRHA within seven (7) days of its execution.
5. Applicant shall charge a maximum monthly rental rate of \$1473 including utilities.
6. If not already submitted, Applicant shall provide a notarized affidavit from either a family member or doctor verifying Applicant is the primary caregiver for her mother.
7. If Applicant does not plan to return and work full time in the Telluride R-1 School District by June 1, 2025 the unit must be listed with SMRHA and offered for sale to a Qualified Owner by June 30, 2025.
8. No further request for Leave of Absence shall be considered for the next 5 years. **SECONDED** by Anne Brown. **PASSED 3-0.**

12) ADMINISTRATIVE MATTERS - Continued.

~~**12.a) Consideration of a request by the Town of Mountain Village to waive the 1% San Miguel County use tax for Lot 644, Meadowlark at Mountain Village deed restricted housing rental and for sale town projects. MOTION**~~

(ATTACHMENT - Use Tax Waiver Request BOCC 4.22.24.pdf)

Item postponed to a future meeting.

3:54 p.m. Recessed.

4:01 p.m. Reconvened.

13) NATURAL RESOURCES AND CLIMATE RESILIENCE

13.a) Updates.

Presented by: Starr Jamison, NRCR Director; Matt Gonzales, Building Official

Update on the Management of Public Lands Rule

BLM Mineral Leases -Final Rule of oil and gas- increase the bonding, protecting wildlife and cultural sites

West Region Wildfire Council Meeting scheduled for June 27th

Update on the Climate Action Plan

Update on the Underpass by Lawson Hill

Update on the Composting Program

Update on Payment for EcoServices (PES) program

Upcoming meetings

14) DEPARTMENT OF HUMAN SERVICES

- 14.a) Approval of Chair's signature on Social Services Department February and March 2024 Balance Sheet, February and March 2024 Earned Revenue and Expenditures, March and April 2024 Expenditures through Electronic Benefit Transfers, Check Register for the Month of March and April 2024, County Allocation / MOE Report, FEB and MAR-24, 2024 Caseload Reports/MOTION

(ATTACHMENT - SMC April Packet.pdf)

(ATTACHMENT - May 2024 BOCC Packet.pdf)

Presented by: Carol Friedrich, Human Services Director; Linnea Edwards, Assistant Director

MOTION by Kris Holstrom to approve the financials as presented. **SECONDED** by Anne Brown. **PASSED 3-0.**

15) AFFORDABLE HOUSING UPDATES

Presented by: Jarrod Biggs, Special Projects Director; Mike Bordogna, County Manager

The work continues with CDOT on the Deep Creek housing project.
Update on the water monitoring wells at the Pathfinder Pit.

16) SPECIAL PROJECTS DIRECTOR

Presented by: Jarrod Biggs, Special Projects Director

The underpass by Lawson Hill will begin construction in the summer 2025.
Grant reporting timelines are coming due and being reported on.
Update on Policy Development Items

17) MANAGER MATTERS

Presented by: Mike Bordogna, County Manager
Update and Other, as needed.

The Road and Bridge department had a preconstruction meeting for the Applebaugh Bridge replacement
The County will be closed on May 27th for Memorial day

Mike has contacted the Colorado Public Utilities Commission concerning the request of redundancy fiber optic for Centurylink
Gondola Managers Meeting update
Senate Bill 233 did pass and was signed into law
Update on hiring for the Director of Human Services
The Intergovernmental meeting was postponed to May 20th
Update on upcoming meetings.

- 17.a) Consideration to approve the County Manager to recreate the Assistant County Manager position and eliminate the Special Projects Director role./MOTION

(ATTACHMENT - Assistant County Manager Memo.docx)

Presented by: Mike Bordogna, County Manager

MOTION by Lance Waring to approve the County Manager to make the abovementioned personnel changes. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Note: The Commissioners agreed that the rate change in pay for the Assistant County Manager would be in the current pay period.

18) COMMISSIONER UPDATES:

Anne Brown - Telluride Foundation Leadership Committee; Hiring Committee for the Director of Human Services; Lodging Tax Panel Meeting; SMART Board Meeting; Telluride Foundation Grant Recipients Lunch; Mobile Department of Motor Vehicle will be in the area
Kris Holstrom -
Lance Waring - SMART Board Meeting; CC4CA

19) ATTORNEY MATTERS

19.a) Executive Session for purposes of receiving legal advice pertaining to 2023CV030026, Three K Nine LLC v. Commissioners, pursuant to C.R.S. 24-6-402(4)(b).

Presented by: Rachel Allen, Assistant County Attorney; Amy Markwell, County Attorney

MOTION by Kris Holstrom to go into executive session, for purposes of receiving legal advice pertaining to 2023CV030026, Three K Nine LLC v. Commissioners, pursuant to C.R.S. 24-6-402(4) (b). **SECONDED** by Anne Brown. **PASSED 3-0.**

5:00 p.m. Recessed.

5:45 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the one item was discussed. **SECONDED** by Anne Brown. **PASSED 3-0.**

Note: The County Attorney requested that the above item not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VII - Attest)

20) **5:46 p.m. ADJOURNMENT.**

No motion was made to adjourn.

Respectfully submitted,

Approved July 24, 2024 CMC

BOARD OF COUNTY COMMISSIONERS

Lance Waring



ATTEST:

Mike Badger