

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

Wednesday, July 10, 2024

Zoom.us

Location 333 West Colorado Ave, 2nd Floor, Telluride CO 81435

1) CALL TO ORDER.

2) Roll Call

Present:

Kris Holstrom, Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, Assistant County Manager

Amy Markwell, County Attorney

Carmen Warfield, Chief Deputy Clerk

Absent:

Lance Waring, Commissioner

Nancy Willis, Paralegal

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

6.a) Acceptance of the June 1, 2024, non-profit funding reports.

(ATTACHMENT - BOCC Non-profit June 1 Reports_Redacted.pdf)

(ATTACHMENT - Parks and Open Space Non-Profit June 1st Reports.pdf)

(ATTACHMENT - Social Services non-profit funding June 1 reports.pdf)

6.b) Approval by the Board of County Commissioners sitting as the San Miguel Housing Authority on an exception agreement and affordable housing covenant between Benjamin Gardner and Shaylynn Serleth, Unit TR17, aka 909 Two Rivers Drive, Telluride CO 81435.

(ATTACHMENT - Exception Agreement - Gardner-Serleth.pdf)

- 6.c) Authorization of the May 2024 vendor and payroll payments.
(ATTACHMENT - 05-May BOCC Consent Agenda.docx)
(ATTACHMENT I)
- 6.d) Approval of the re-appointment of Hugh Hardman to the San Miguel Basin Fair Board.
(ATTACHMENT - Hugh Hardman Appointment San Miguel Basin Fair Board.pdf)
- 6.e) Approval of the distribution of the National Forest Funding (Title I monies).
(ATTACHMENT - Federal Forest Funding Distribution Letter to BOCC 07.02.24.pdf)
- 6.f) Approval of Chair's signature on an agreement with The Equity Project for services related to Justice, Equity, Diversity and Inclusion assessment and planning.
(ATTACHMENT - BOCC Agenda Doc - TEP JEDI Assessment (07102024).pdf)
(ATTACHMENT - TEP- SMC ICA for JEDI Assessment (072024).pdf)
- 6.g) Approval of the re-appointment of Andres Jacinto Alonzo to the San Miguel Behavioral Health Solutions as the community member at-large position for a two-year term (June 2024-June 2026).
(ATTACHMENT - BOCC Agenda Doc - 2024 BHAP Appointments (07102024).pdf)
(ATTACHMENT - Letter to county 6.28 (1).docx)
- 6.h) Approval of the re-appointment of Chuck Porth to the San Miguel Behavioral Health Solutions as the Uncompahgre Medical Center member for a two-year term (June 2024-June 2026).
(ATTACHMENT - BOCC Agenda Doc - 2024 BHAP Appointments (07102024).pdf)
(ATTACHMENT - Letter to county 6.28.docx)

MOTION by Anne Brown to approve the consent agenda as presented. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

7) ADMINISTRATIVE MATTERS

- 7.a) Consideration of Chair's signature on a Special Events Permit Malt, Vinous and Spirituous Liquor for Telluride Medical Center Foundation Lot 2R Golden Ledge, Telluride Colorado based on the County Clerk's Written Findings./MOTION

(ATTACHMENT - Telluride Medical Center Foundation Liq Lic_Redacted.pdf)

MOTION by Anne Brown to approve a Special Events Permit Malt, Vinous and Spirituous Liquor for Telluride Medical Center Foundation, Lot 2R Golden Ledge, Telluride Colorado based on the County Clerk's Written Findings. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT II - Written Findings)

- 7.b) Presentation by the Assessor to the County Board of Equalization on the total assessed value of all taxable property, a list of protests, the outcome, and a list of all Personal Property owners who failed to return a declaration.

(ATTACHMENT - 2024 CBOE Report.docx)

(ATTACHMENT - RealAppeal_BOCC.pdf)

(ATTACHMENT - PersonalAppeal_BOCC.pdf)

(ATTACHMENT - LatePPDecFilingCBOE.pdf)

Presented by: Sarah Enders, Assessor

- 7.c) Consideration of a ballot measure to amend the term limitations of County Commissioners within San Miguel County./MOTION

(ATTACHMENT - BOCC Agenda Doc - Term Limit Discussion (07102024).docx)

(ATTACHMENT - Res2024-35Authorize3rdTermBallotQuestion.CLEAN.docx)

Presented by: Jarrod Biggs, Assistant County Manager

MOTION by Anne Brown to approve with amendments to the following language to be placed on the ballot as a question to voters for the November 2024 election in San Miguel County. The approved language is to read: Shall limitations on terms of office of San Miguel County Commissioners be changed from two (2) to four-year terms to three (3) four-year consecutive terms?. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT III - Resolution 2024-35)

8) PLANNING MATTERS

- 8.a) 10:00 AM PUBLIC HEARING: Consideration of Fermi Uranium Corp. Mining Special Use Permit for its Pitchfork exploratory drilling project for mineral exploration / MOTION

(ATTACHMENT - BOCC Packet Materials -Fermi Pitchfork Project Mineral Exploration 071024.pdf)

(ATTACHMENT - Rare Plant Survey Report Pitchfork Uranium Development 070924.pdf)

Presented by: Kaye Simonson, Planning Director; John Huebner, Senior Planner; Ryan Righetti, Road and Bridge Superintendent; Helen Thomas, Geologist; Bob Larson, Geologist

10:48 a.m. The Chair Opened the Public Hearing.

10:49 a.m. The Chair Closed the Public Hearing.

MOTION by Anne Brown to approve a Mining Special Use Permit (SUP) for Fermi Uranium Corp. or its contractor, for mineral exploration from drill pads on mining claims on private lands located in the Big Gypsum Valley in west San Miguel County, and to adopt BOCC resolution 2024-33, 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; 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, Fermi Uranium Corp., and does not run with the Land.
2. No future mining activity at the project site by Fermi Uranium Corp., 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 Fermi Uranium Corp. and the drilling project contractor, prior to commencement of drilling activities.
5. This Special Use Permit conditional approval is subject to the terms and conditions of the Notice of Intent approved by the Colorado Division of Reclamation and Mining 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 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 begin no sooner than July 1 and 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. It is Preferred that a local contractor be used and report to County Planning.
13. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit. Provide a copy of the permit to County Planning.
14. Applicant shall obtain a Road and Bridge above ground work in the Right-of-Way Permit prior to commencing operations.
15. Applicant shall obtain a Biological survey to identify rare plants in the project area, and provide a copy to County Planning prior to commencing

operations. The applicant shall follow all recommendations within that report.
16. Provide documentation regarding the water source(s) for the project.
SECONDED by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT IV - Resolution 2024-33)

- 8.b) Consideration of the Chair's signature on Lot 8, Elk Run Insubstantial Plat Amendment / MOTION

(ATTACHMENT - BOCC packet materials Lot 8, Elk Run IPA.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director

MOTION by Anne Brown to approve the San Miguel County Board of Commissioners Chair's signature on the second insubstantial plat amendment for Lot 8, Elk Run Subdivision, as presented. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

10:54 a.m. Recessed.

10:59 a.m. Reconvened.

- 8.c) Consideration of an Amendment to Land Use Code Section 5-1305 to update the affordable housing definition of Employee and adding definitions for Qualifying Income and Non-qualifying Income/ MOTION

(ATTACHMENT - BOCC Packet Employee Qualifications LUCA 071024.pdf)

Presented by: Kaye Simonson, Planning Director; Lois Major, Attorney representing the County; Courtney McEleney, San Miguel Regional Housing Authority (SMRHA) Director

People Who Addressed the Board:

Jenny Gordon, Lawson Hill Home Owners Association

Lee Roufa, Aldasoro Resident

Anneliese Riebel, Mountain Village Resident

Mary Lynn Chambers, Aldasoro Resident

Shelly Duplan, Aldasoro Staff

Kimberly Collins, County Resident

Dylan Brooks, County Resident

MOTION by Anne Brown to approve postponing the decision until a work session with the public can occur with further discussion, outreach and education on September 11, 2024. After that meeting, the Board of County Commissioners will move ahead on scheduling a future meeting. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

10) **Lunch**

12:27 p.m. Recessed.

12:53 p.m. Reconvened.

9) **AFFORDABLE HOUSING UPDATES**

- 9.a) Consideration of a ballot measure to reallocate a portion of the Parks and Open Space mill levy for Affordable Housing Purposes./MOTION

(ATTACHMENT - BOCC Agenda Doc - Levy Reallocation for Housing Purposes(07102024).docx)

(ATTACHMENT - Res2024-37ReallocatePOSTBallotQuestion.docx)

Presented by: Jarrod Biggs, Assistant County Manager

MOTION by Anne Brown to approve a submission of [notification] of ballot language regarding reallocation of the Parks and Open Space mill levy for housing and direct staff to inform the County Clerk and Recorder of that reference. [The proposed language of the resolution will be submitted prior to the deadline]. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

12. COUNTY HOUSING MATTERS

- 12.a) Discussion with the County Housing Authority on how to address the R-1 School District Boundary changes.
(*Board of Commissioners sitting as the San Miguel County Housing Authority.*)

Presented by: Lois Major, Special Counsel to the County Housing Authority; Courtney McEleney, San Miguel Regional Housing Authority Director; Amy Markwell, County Attorney

Public Addressed the Board:
Dave Bulson, Homeowner in Rico

MOTION by Anne Brown to approve to request all property owners who are under the current deed restricted covenant who currently own residential property in the Rico community and was annexed by the Telluride School District, effective July 1, 2024 that the owners submit an application for an exception to the part of the covenant that says they can't own [other property in the Telluride School District]. Direction to the motion to delegate authority to the administrator [of SMRHA] to handle exception requests for people who [own property in Rico] prior to July 1, 2024. The exemption fee for those applying will be waived. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

Additional staff direction was given not in the motion but included: homeowners in the Rico area have 60 days to request an exception, and the SMRHA Administrator will notify the affected property owners; it also stated any exception that is granted would be validated by the commissioners at a regular meeting on the consent agenda.

11) MANAGER MATTERS

- 11.a) ~~Update on the county oversight structure.~~

- 13.a) Consideration of the appointment on the San Miguel Behavioral Health Solutions Panel, County representative./MOTION

(ATTACHMENT - Letter to county 6.28.docx)

(ATTACHMENT - Bylaws.pdf)

Presented by: Mike Bordogna, County Manager

MOTION by Anne Brown to approve the appointment of Linnea Edwards to the San Miguel Behavioral Health Solutions panel as the county representative. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

Update and other, as needed.

The upcoming Planning Commission meeting will be held in Norwood.

The Gondola sub-committee meeting is scheduled for July 15th. Kris will try to attend in Lance's absence.

The next work session is July 17th.

The July 31st work session will be a special meeting to allow Commissioner's to hear the County Board of Equalization hearings.

The San Miguel Water rights case has been approved and signed by the judge.

13) COMMISSIONER UPDATES:

Anne Brown - Discussion of the County and Commissioners acting Together (CCAT) initiative 50 and 108, Diversity, Equity, Inclusion and Belonging Circle Training by Tri-County Health; Axis Health System - Co responder program; Telluride Foundation Summer Leadership meeting; Site walk-at the potential waste facility at the Deep Creek Housing Site

Kris Holstrom - Regenerative Ag working group

14) ATTORNEY MATTERS

14.a) Consideration of Resolution 2024-36; Resolution by the BOCC of SMC a Restatement and Ratification of the Refund of Mitigation and Accessory Dwelling Unit Fees and Recording of the Termination and Release of Accessory Dwelling Unit Deed Restrictions for the Aldasoro Ranch Planned Unit Development/MOTION

(ATTACHMENT - OCA Memo.July2024 Aldasoro ADU terminations.pdf)

(ATTACHMENT - Resolution 2024-36 Refund Aldasoro Impact Fees.DRAFT.docx)

Presented by: Amy Markwell, County Attorney

MOTION by Anne Brown to approve the Resolution 2024-36; a resolution by the Board of County Commissioners of San Miguel County on a Restatement and Ratification of the Refund of Mitigation and Accessory Dwelling Unit Fees and Recording of the Termination and Release of Accessory Dwelling Unit Deed Restrictions for the Aldasoro Ranch Planned Unit Development. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT V- Resolution 2024-36)

15) ADJOURNMENT

MOTION by Anne Brown to adjourn the meeting. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

1:59 p.m. Adjourned.

Respectfully submitted,

Approved 10/2/2024 Carmen Way

BOARD OF COUNTY COMMISSIONERS

Juan Way

ATTEST:

Mike Bayan



ATTACHMENT I

June 26, 2024

To: Board of County Commissioners
Mike Bordogna, County Manager

Below please find a summary of payments issued during the month of May 2024. This presentation of claims is required per CRS 30-25-110.

Staff is recommending the approval of these payments via consent agenda on July 10, 2024.

Any questions, please let me know. Thank you.

Per 30-25-110 C.R. S. Claims presented to the board - when-how paid.

MAY 2024 PAYMENTS	VENDOR PAYMENTS
101 - General Fund	\$2,263,637.87
102 - Road & Bridge Fund	\$128,965.12
103 - Social Services Fund	\$6,364.70
104 - Sales Tax Capital Fund	\$311,907.62
106 - Transit Fund	\$11,912.07
108 - Parks and Open Space Fund	\$173,755.82
110 - Lodging Tax Tourism Fund	\$88,043.23
111 - Vegetation Management Fund	\$3,128.17
113 - Mental Health Fund	\$36,387.71
115 - Public Health & Environment Fund	\$27,989.00
224 - Housing Authority	\$14,472.00
226 - Solid Waste Disposal District	\$5,609.26
301 - Grant Fund	\$81,126.77
TOTALS	\$3,153,299.34

MAY 2024 PAYMENTS	PAYROLL
101 - General Fund	\$839,835.62
102 - Road & Bridge Fund	\$135,757.79
103 - Social Services Fund	\$56,352.12
107 - Retirement Fund	\$58,577.18
108 - Parks and Open Space Fund	\$75,718.27
115 - Public Health & Environment Fund	\$52,183.03
301 - Grant Fund	\$13,125.87
TOTALS	\$1,231,549.88

WRITTEN FINDINGS

Date: 06/21/2024

To: San Miguel County Board of Commissioners

Re: Special Events Permit: Telluride Medical Center Foundation
P.O. Box 1229
Telluride, CO 81435

1. Fees: \$125.00 paid on May 29, 2024 to San Miguel County to serve regular Malt, Vinous & Spirituous Liquor on July 11, 2024 from 3:00 PM to 11:30 PM on Lot 2R Golden Ledge Telluride, CO 81435

2. Notice for posting on the proposed site was given to applicant June 24, 2024

Notice does not need to be published in the Daily Planet unless petitions of remonstrance's are filed with me

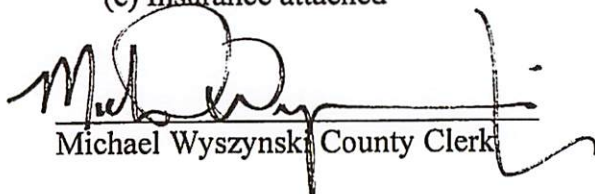
Meeting to be held at 9:30 AM on July 10, 2024 for approval of application

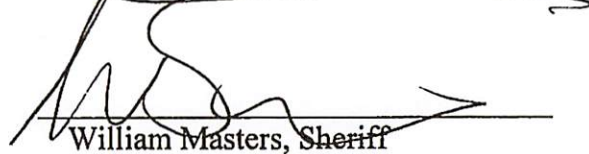
The Sheriff's office will be notified of an opportunity to comment (on any possible perceived law enforcement) at the meeting.

3. Fingerprinting is not required for a Special Events Permit

William Masters, Sheriff, gives his approval on this application with the understanding that they be allowed to sell Malt, Vinous and Spirituous Liquor.

4. Application is complete with the following documents:
 - (a) Diagram showing where liquor will be served and consumer.
 - (b) District Court Order Establishing the Special District
 - (c) Special Event application
 - (d) Written Permission from County to use the space
 - (e) Insurance attached


Michael Wyszynski County Clerk


William Masters, Sheriff

ATTACHMENT III

485587

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SAN MIGUEL COUNTY, CO

MICHAEL WYSZYNSKI, CLERK-RECORDER

07-17-2024 01:05 PM Recording Fee \$0.00

CERTIFIED RECORD

OF

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL
COUNTY, COLORADO, CONCERNING THE SUBMISSION TO THE REGISTERED
ELECTORS OF SAN MIGUEL COUNTY OF A REFERRED BALLOT QUESTION AT
THE NOVEMBER 5, 2024 ELECTION REGARDING WHETHER THE COUNTY MAY
EXTEND TERM LIMITS FOR MEMBERS OF THE BOARD OF COUNTY
COMMISSIONERS BY ONE TERM

STATE OF COLORADO)
) ss.
County of San Miguel)

The Board of County Commissioner of San Miguel County, Colorado, met in regular session in full conformity with applicable Colorado law and the rules of the County, at the County Courthouse in Telluride, Colorado, on 10th day of 2024, at 9:50 A. M.

Upon roll call the following commissioners were present, constituting a quorum:

Chair: Kris Holstrom

Commissioners: Anne Brown

Absent: Lance Waring

Also present:

Chief Deputy Clerk: Carmen Warfield

County Manager: Mike Bordogna

County Attorney: Amy Markwell

Thereupon Commissioner Anne Brown introduced a Resolution as follows:

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, CONCERNING THE SUBMISSION TO THE
REGISTERED ELECTORS OF SAN MIGUEL COUNTY OF A REFERRED BALLOT
QUESTION AT THE NOVEMBER 5, 2024 ELECTION REGARDING WHETHER THE
COUNTY MAY EXTEND TERM LIMITS FOR MEMBERS OF THE BOARD OF
COUNTY COMMISSIONERS BY ONE TERM**

Resolution No. 2024 - 35

WHEREAS, Article XVIII, Section 11 of the Colorado Constitution provides for the limitation of the terms of all elected county officials to two consecutive terms of office effective as to terms of office beginning on or after January 1, 1995; and

WHEREAS, pursuant to Article XVIII, section 11(2) of the Colorado Constitution, at the odd-year election held on November 4, 1997, a majority of the registered electors of San Miguel County voting on the ballot question authorized San Miguel County elected officials to serve more than two consecutive terms of office notwithstanding Article XVIII, Section 11 of the Colorado Constitution that limits county elected officials to serving no more than two consecutive terms of office; and

WHEREAS, at the odd-year election held November 3, 2015, a majority of registered electors of San Miguel County voted for a ballot question to reinstate term limits for county commissioners, allowing them to serve only two consecutive terms of office in accordance with Article XVIII, Sec. 11; and

WHEREAS, the Board of Commissioners recognizes the value of understanding, continuity, and effectiveness of county leadership within the commissioner's office, and where an otherwise fully qualified and willing candidate for the office are limited by the two consecutive term limitations are not allowed to stand for re-election by the voters of San Miguel County; and

WHEREAS, the Board of Commissioners have considered term limitations for the office, and have come to agree that three (3) consecutive terms would allow a balance between expertise and continuity within the role of Commissioner, and the opportunities for new candidates, ideas and thought in the office; and

WHEREAS, the Board of Commissioners have reviewed and authorized the proposed ballot question as set forth below at the public meeting on July 10th, 2024 and refer to the registered electors of San Miguel County, Colorado, the question that if approved by the voters would allow for three (3) consecutive terms for candidates of the Board of Commissioners office, with such limitations being applicable to terms of office beginning on or after January 1, 2025, and for the purposes of which such terms would be considered consecutive unless they are at least four years apart; and

WHEREAS, any such ballot question must be approved by a majority of the legally eligible San Miguel County registered electors voting on such ballot measure before becoming effective.

NOW, THEREFORE, BE IT RESOLVED BY THE SAN MIGUEL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The following ballot question and title is hereby referred and submitted to the registered electors of San Miguel County, Colorado, at the November 5, 2024 election:

Shall limitations on terms of office of San Miguel County Commissioners be changed from two (2) four - year terms to three (3) four-year consecutive terms? _____ YES
_____ NO
2. Said ballot question shall be voted upon only by San Miguel County, Colorado, registered electors legally eligible to vote at the November 5, 2024 election.
3. Should the San Miguel County Clerk and Recorder, acting in their statutory capacity as the designated election official for the San Miguel County, Colorado, November 5, 2024, general election find and certify in accordance with the applicable provisions of the Colorado Uniform Election Code of 1992 , as amended, that the majority of the San Miguel County registered electors voting on the ballot question set forth herein above have voted YES it shall declare the ballot question to be passed and adopted, however, should it find and certify that the majority of the San Miguel County registered electors voting on the ballot question set forth herein above have voted NO it shall declare the ballot question to not be passed and not be adopted.
4. Upon the San Miguel County Board of County Commissioners certifying the ballot question and title to the San Miguel County Clerk and Recorder in substantially the form set forth herein above, all acts required or permitted by the Uniform Election Code of 1992, as amended, relevant to providing of notice, the mailing to electors of any required information , or pertaining to the conduct of the election on such ballot question at the November 5, 2024 general election, including, but not limited to, voting by early voter's ballots, absentee ballots, and emergency absentee ballots, which are to be performed by the designated election official, shall be performed by the San Miguel County Clerk and Recorder.

ADOPTED AND APPROVED this 10th day of July, 2024.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: Kris Holstrom
Kris Holstrom, Chair

ATTEST:


County Clerk and Recorder

By: MICHAEL WYSZYNSKI

Commissioner Brown moved that the Resolution be passed and adopted.

Commissioner Holstrom seconded the motion.

The question being upon the passage and adoption of the Resolution, the roll was called with the following result:

Those voting YES: Kris Holstrom

Anne Brown

Those voting NO: None

Absent: Lance Waring

The Chair thereupon declared that a majority of all of the Commissioners elected having voted in favor thereof, the motion was carried, and the Resolution duly passed and adopted.

Thereupon, after consideration of other business to come before the Board of County

Commissioners, the meeting was adjourned.


Carmen Warfield, Chief Deputy Clerk to the Board



ATTACHMENT IV

RESOLUTION OF THE BOARD OF COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, APPROVING A MINING SPECIAL USE PERMIT FOR FERMI URANIUM CORP PITCHFORK PROJECT, WEST END (WE) ZONE DISTRICT

Resolution 2024-33

WHEREAS, Helen Thomas, on behalf of Fermi Uranium Corp. ("Applicant"), has submitted an application seeking a Mining Special Use Permit for mineral exploration from drill pads on private lands in the Big Gypsum Valley in the West End of San Miguel County. The surface land is owned by the Barrett Brothers and the federal mineral claims are leased from the Bureau of Land Management by the mineral claim holder, Robert A. Larson. The Pitchfork Project drill sites will be accessed off Highway 141 and County Road 23S. There are four (4) potential exploratory drill hole locations identified at the project location. The purpose is to prospect for uranium and vanadium. The drilling program includes developing up to four (4) drill pads, each measuring about 20 feet by 20 feet. The project area comprises private lands which requires a state mining permit application. Accessing the drilling pads will require the improvement of road infrastructure that will remain in place and be used as permanent agricultural/ranch roads and county road; and

WHEREAS, a West End Zone District Mining Special Use Permit (SUP) requires Two-step Planning Commission and Board of County Commissioner Review, per Land Use Code (LUC) Section 5-320 F XVI and 5-320 F XVII, pursuant to the standards contained in LUC Sections 5-320 West End Zone District, 5-320 K, Review Standards for all WE Zone District Special Uses, 5-407 Wildlife Habit Areas, 5-1002, Special Uses, 5-11 Conditional Uses on Federal Lands, and 5-16 Mining; and to the policies contained in LUC Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations; and

WHEREAS, the application was referred 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, Colorado Division of Reclamation, Mining and Safety, US Bureau of Land Management (BLM), and Colorado State Parks & Wildlife for review and comment. The application was also sent to the Great Old Broads for Wilderness, Information Network for Responsible Mining and Sheep Mountain Alliance for review and comment; and

WHEREAS, at its regular meeting held on Thursday, June 13, 2024 the County Planning Commission reviewed the application and recommended approval to the Board of County Commissioners of a Special Use Permit (SUP) for Fermi Uranium Corp or its contractor, for the proposed Mining Exploration on its mining claims on private lands off of Highway 141 and County Road 23S, the ("Site Plan", Exhibit B), zoned West End (WE) as presented, 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; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to certain conditions, by a vote of 4-1; and

WHEREAS, the County Planning Commission's actions and recommendations are contained in the minutes from the June 13, 2024 CPC meeting; and

WHEREAS, on or about June 21, 2024, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) public hearing to be held on July 10, 2024 to all property owners within 1500 feet of the subject parcel, a Public Notice sign was posted at the intersection of SH 141 and CR 23S by the Applicant of the application and for the Board of County Commissioner public hearing on July 10, 2024, since there were not accessible posting locations closer to the site that would have provided effective notice; and

WHEREAS, A Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Friday, June 21, 2024 for the Board of County Commissioner public hearing to be held on-line and in person on Wednesday, July 10, 2024; and

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

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held on-line and in person on Wednesday, July 10, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves 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, Fermi Uranium Corp., and does not run with the Land.
2. No future mining activity at the project site by Fermi Uranium Corp., 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 Fermi Uranium Corp. 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 Colorado Division of Reclamation and Mining 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 CDRMS approval action.
7. Provide 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 begin no sooner than July 1 and 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. Prefer that a local contractor be used and report to County Planning.
13. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit. Provide a copy of the permit to County Planning.
14. Applicant shall obtain a Road and Bridge Aboveground Work in the Right-of-Way Permit prior to commencing operations.
15. Applicant shall obtain a Biological survey to identify rare plants in the project area, and provide a copy to County Planning prior to commencing operations. The applicant shall follow all recommendations within that report.
16. Provide documentation regarding the water source(s) for the project.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on July 10, 2024.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: *Kris Holstrom*
Kris Holstrom, Chair

Vote:	Anne Brown	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

ATTEST:



By: *Carmen Warfield*
Carmen Warfield, Chief Deputy Clerk

EXHIBIT "A" Public Hearing Record
EXHIBIT "B" Site Plan

EXHIBIT "A"

Public Hearing Record

Board of County Commissioners

Application: Fermi Uranium Corp.

Mining Special Use Permit for the Pitchfork drilling project, West End (WE) zone district

Date: July 10, 2024

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 Board of County Commissioners from John Huebner, Senior Planner dated July 10, 2024.
4. Draft San Miguel County Board of Commissioners Resolution #2024-33.
5. Draft Planning Commission June 13, 2024 Meeting Minutes.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated June 13, 2024.
7. Application submitted by Helen Thomas, on behalf of Fermi Uranium Corp. dated April 9, 2024.
8. Applicant's Certification of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 21, 2024.
9. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 21, 2024.

AGENCY COMMENTS

10. Memo from John Huebner, Senior Planner to Review Agencies dated April 19, 2024.
11. Letter from Greg Pollio, San Miguel County Parks and Open Space, to John Huebner, Senior Planner dated May 15, 2024.
12. Letter from Ryan Righetti, San Miguel County Road and Bridge, to John Huebner, Senior Planner, dated May 13, 2024.
13. Letter from Tony Bonacquista, Colorado Parks and Wildlife Manager, to John Huebner, Senior Planner, dated May 10, 2024.
14. Letter from Lucas J. West, Colorado Division of Reclamation, Mining Safety, to Applicant dated June 4, 2024

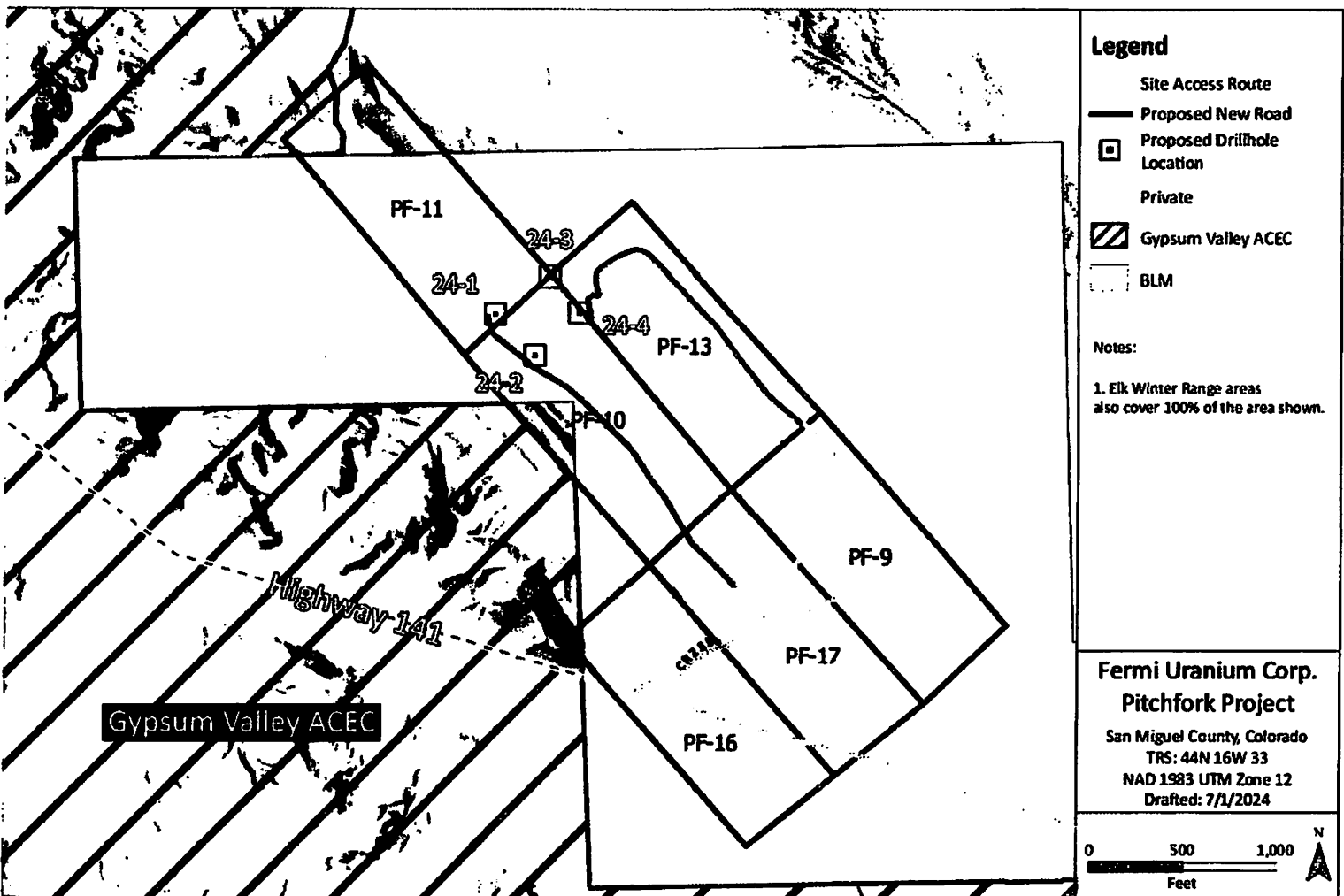
EXHIBIT "A"

PUBLIC COMMENTS

15. Letter from John Reams, Western Small Miners Association, to Planning Department dated May 28, 2024.

EXHIBIT "B"

Site Plan



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO**

**A RESTATEMENT AND RATIFICATION OF THE REFUND OF MITIGATION AND
ACCESSORY DWELLING UNIT FEES AND RECORDING OF THE TERMINATION
AND RELEASE OF ACCESSORY DWELLING UNIT DEED RESTRICTIONS
FOR THE ALDASORO RANCH PLANNED UNIT DEVELOPMENT**

Resolution #2024-36

RECITALS

WHEREAS, since approximately 1990, the San Miguel County Land Use Code (LUC) required the payment of an employee housing mitigation fee (Impact Fees) for certain development within the county; and

WHEREAS, Impact Fees also were assessed within the Telluride Region when property owners built an accessory dwelling unit (ADU) unless the property owner chose to voluntarily deed-restrict the unit (ADU Fee In Lieu) as set forth in Section 5-13 of the LUC; and

WHEREAS, the Aldasoro Ranch Planned Unit Development (Aldasoro PUD), as approved by the Board of County Commissioners (BOCC) of San Miguel County, Colorado (County) in Resolution 1991-06, was exempt from the Impact Fees based on Aldasoro Ltd. voluntarily agreeing to deed restrict fifteen percent (15%) of the total lots within the Aldasoro PUD; and

WHEREAS, on or about April 5, 2023, the Aldasoro Home Owners Company (HOC) informed the BOCC that they believed the County improperly assessed and collected the Impact Fees from property owners in the Aldasoro PUD; and

WHEREAS, based on the HOC's letter, County staff researched whether property owners within the Aldasoro PUD were improperly assessed Impact Fees, as well as whether owners were subject to the ADU Fee In Lieu at the time they built their accessory dwelling unit; and

WHEREAS, during its duly noticed, public meeting on June 7, 2023, the Board of County Commissioners of San Miguel County (BOCC) approved the automatic refund of Impact Fees to the original property owners or agents responsible for paying the fees collected from April 5, 2021 to April 5, 2023, with eight percent (8%) interest, pursuant to C.R.S. 5-12-102(1)(b); and

WHEREAS, during its duly noticed, public meeting on June 7, 2023, the BOCC approved the creation of an application process, open for 90 days to the County Attorney's Office, so that property owners within the Aldasoro PUD could inquire as to whether they should be considered for reimbursement of Impact Fees paid between 2007 and April 5, 2021 (Application Requests); and

WHEREAS, during its duly noticed, public meeting on June 7, 2023, the BOCC approved providing notification to current property owners with deed-restricted accessory dwelling units and corresponding termination and release documentation to be recorded on the respective property in their favor; and

WHEREAS, during its duly noticed, public meeting on June 7, 2023, the BOCC approved the automatic refund of ADU Fees In Lieu paid at termination of accessory dwelling unit deed restrictions from 2007 to April 4, 2023, to property owners without interest; and

WHEREAS, the County Attorney's Office successfully completed the Application Requests process; and

WHEREAS, during its duly noticed, public meeting on November 15, 2023, the County Attorney's Office presented a summary of the Application Requests for BOCC consideration; and

WHEREAS, during its duly noticed, public meeting on November 15, 2023, the BOCC agreed to refund the Impact Fees submitted by Aldasoro PUD property owners via Application Requests without interest; and

WHEREAS, the HOC presented the BOCC with an alternative recommendation for the refund of some of the interest to property owners who made an Application Request; and

WHEREAS, during its duly noticed, public meeting on January 10, 2024, the BOCC agreed to pay two (2) years of interest on the total value of the pre-April 5, 2021 Application Requests claims to resolve the matter in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO:

1. The foregoing recitals are incorporated herein as findings of the BOCC.
2. Impact Fees collected between April 5, 2021, to April 5, 2023, were automatically reimbursed with 8% interest for the following properties totaling \$43,554.67:
 - a. 116 W Serapio Dr.
 - b. 1041 Last Dollar Rd.
 - c. 102 Aldasoro Blvd.
 - d. 324 Basque Blvd
 - e. 114 Miguel Rd.
 - f. 109 Aguirre Rd.
3. Impact fees refunded pursuant to Application Requests with 8% interest for two years in the amount of \$84,572.41:
 - a. 312 Basque Blvd.
 - b. 116 Aguirre Rd.
 - c. 309 Aldasoro Rd.

- d. 307 Aldasoro Rd.
- e. 305 Aldasoro Rd.
- f. 110 Basque Blvd.
- g. 101 Prudencio Lane
- h. 126 Josefa Lane
- i. 210 Basque Blvd.
- j. 304 Basque Blvd.
- k. 110 Albert J. Rd.
- l. 115 Albert J. Rd.
- m. 225 E. Serapio Dr.
- n. 236 E. Serapio Dr.
- o. 210 E. Serapio Dr.
- p. 222 E. Serapio
- q. 110 Bernardo Dr,
- r. 177 Josefa Lane

- 4. The property owner(s) of 100 Francisco Way was issued an automatic refund of \$80,000 for a fee paid in lieu of the obligation to construct an Accessory Dwelling Unit on that lot.
- 5. Termination and Release of Accessory Dwelling Unit Deed Restrictions were signed and recorded for the following properties and any payment of the Employee Housing Impact Fee in lieu of the deed restriction was refunded in the amount of \$37,101.48:
 - a. 120 Aldasoro Blvd. Lot 8 (Reception #482014)
 - b. 111 Cristelli Trail Lot 16 (Reception #482282)
 - c. 107 Cristinas Way Lot 29 (Reception #481881)
 - d. 116 Joaquin Rd. Lot 33R (Reception #482013)
 - e. 101 Josefa Lane Lot 91R (Reception #412648)
 - f. 135 Josefa Lane Lot 78 (Reception #419794)
 - g. 328 Basque Blvd. Lot 122 (Reception#464600)
 - h. 140 W. Serapio Dr. Lot 134 (Reception #481332)
 - i. 114 Aguirre Rd. Lot 47 (Reception #485743)
 - j. 111 Aguirre Rd. Lot 52 (Reception #485744)

APPROVED AND ADOPTED this 10th day of July, 2024, at Telluride, Colorado.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: Lance Waring
Lance Waring, Chair

Vote:	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent
	Anne Brown	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

By: *Carmen Warfield*
Carmen Warfield, Chief Deputy Clerk