

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

Wednesday, September 18, 2024

Zoom.us

1) 9:32 a.m. CALL TO ORDER.

Location: This meeting was held in Norwood at the Sheriff's annex.

2) Roll Call

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, Assistant County Manager

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 Minutes: July 10, 2024, July 24, 2024, and August 7, 2024.

(ATTACHMENT - 20240710-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20240724-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20240807-BOCC-Minutes-Draft.pdf)

6.b) Ratification of Chair's signature on an Intergovernmental Agreement with the Colorado Avalanche Information Center and the Colorado Department of Natural Resources to provide training, education, data collection, sharing and assessment of avalanche hazard for County Road D65, running from CO Highway 145 to the town of Ophir, Colorado.

(ATTACHMENT - 2024 DRAFT IGA San Miguel-CAIC.CLEAN.docx.pdf)

6.c) Ratification of the Interim County Attorney Hourly Fee Agreement with Lane Thomasson.

(ATTACHMENT - 20240906 Hourly Fee Contract San Miguel County Interim CA.pdf)

- 6.d) Ratification of the Special Counsel to the County Housing Authority agreement with Lane Thomasson

(ATTACHMENT - 20240906 Hourly Fee Contract SM Housing Authority.pdf)

- 6.e) Approval of Chair's signature as the Board of Commissioners and as the San Miguel County Housing Authority on a San Miguel County Affordable Housing Covenant, Equitable Servitude, and Real Covenants for Emmett Pryor Nunn and Rozlyn Wilder Unit B2, Building 2 Rio Vistas Phase II, at the Top of the Hill at Lawson Hill.

(ATTACHMENT - Nunn and Wilder Affordable Housing Covenant.pdf)

- 6.f) Approval of Chair's signature as the Board of Commissioners and as the San Miguel County Housing Authority on a San Miguel County Affordable Housing Covenant, Equitable Servitude, and Real Covenants for Turner Kilgore, Lot 5, Lone Cone Library Subdivision of Lot 2, Pinion Park.

(ATTACHMENT - Turner Kilgore DR Pinion Park.pdf)

- 6.g) Approval of Austin Smith reappointment to the San Miguel Basin Fair Board.

(ATTACHMENT - Austin Smith - San Miguel Basin Fair Board.pdf)

- 6.h) Acceptance of the 1st and 2nd Quarter Public Trustee Report, January 1 - June 30, 2024.

(ATTACHMENT - 1QT 2024.pdf)

(ATTACHMENT - 2QT 2024.pdf)

(ATTACHMENT I - Public Trustee Report)

- 6.i) Authorization of the August 2024 Payroll and Vendor payments

(ATTACHMENT - 08-August BOCC Consent Agenda.docx)

(ATTACHMENT II - Payroll and Vendor Payments)

- 6.j) Ratification of Commissioner's signature on a letter to Telluride Ski and Golf concerning the season pass pricing structure.

(ATTACHMENT - Mr. Chuck Horning 2024.09.18.pdf)

- 6.k) Approval of Chair's signature as the Board of Commissioners sitting as the San Miguel County Board of Human Services for their Balance sheets July 2024, Earned Revenue and Expenditures, July 2024, Expenditures through Electronic Benefit Transfers, August 2024, Check Register for the month of August 2024 and the 2024 Caseload Reports.

(ATTACHMENT - September 2024 BOCC Packet (1)(1).pdf)

- 6.l) Approval of Chair's signature on the San Miguel County Semi-Annual Report January 1, 2024 thru June 30, 2024.

(ATTACHMENT - SemiAnnual 9-3-24.pdf)

(ATTACHMENT III - Semi-Annual Report)

MOTION by Kris Holstrom to approve the consent agenda with item 6.a. July 10, 2024 minutes and Item 6.e. being pulled for further review. **SECONDED** by Anne Brown. **PASSED 3-0.**

7) PLANNING MATTERS - Solar Regulations

- 7.a) PUBLIC HEARING Consideration of Adoption of an Amendment to the Land Use Code regarding Regulations for Solar Energy Systems and Related Code Amendments/MOTION

(ATTACHMENT - BOCC Packet LUCA Solar Regulations 091824.pdf)

(ATTACHMENT - BOCC Packet LUCA Solar Regulations 091824 ADDENDUM.pdf)

(ATTACHMENT - BOCC PACKET ADDENDUM - Exhibit B.pdf)

Presented by: Kaye Simonson, Planning Director; John Huebner, Senior Planner; Torie Jarvis, Sullivan Green Seavy Jarvis LLC

9:36 a.m. The Chair Opened the Public Hearing.

Public Who Addressed the Board:

Candy Meehan, County resident

Dick Kearney, County resident

Annabell Quin O'Neil, County resident

Mollie Theis, EcoAction Partners

Rick Hollenbeck, County resident

Kendra Held, EcoAction Partners

Caroline Duncan, County resident

Adrienne Dorsey, Colorado Solar and Storage Assoc (COSSA)

Sep Sites, County resident

Terri Lamers, County resident

Allison Van Cooper, County resident

Emily Masson, County resident

Tammy St Germain, County resident

Maryanne Gaston, County resident

Brad Johnson, Future County resident

Ken Crouse, County resident

Peggy Smeltz-Day, County resident

8) Lunch

12:12 p.m. Recessed.

12:46 p.m. Reconvened.

9) **ADMINISTRATIVE MATTERS**

- 9.a) Recognition of DeeAnna Burbridge for her 20 years of service.

Presented by: Janet Kask, Parks and Open Space Director; DeeAnna Burbridge, Fairgrounds Manager

Thank you for all you do DeeAnna Burbridge.

- 9.b) Consideration of the appointment of Leise Durant to the San Miguel County Historical Commission./MOTION

(ATTACHMENT - Leise Durant Historical Commission.pdf)

Presented by: Janet Kask, Parks and Open Space Director; Leise Durant, Applicant

MOTION by Kris Holstrom to approve the appointment of Leise Durant to the San Miguel County Historical Commission. **SECONDED** by Anne Brown. **PASSED 3-0.**

10) **PLANNING MATTERS**
Continued Solar Regulations.

1:00 p.m. Public comment continued concerning the Solar Regulations

Public Who Addressed the Board:

Peggy Smeltz-Day, County resident

Tammy St Germain, County resident

Maryanne Gaston, County resident

Allison Cooper, County resident

Brad Johnson, Future County resident

Zach Snyder, Snyder Ranches

1:32 p.m. The Chair Closed the Public Hearing.

MOTION by Anne Brown to approve the BOCC Resolution 2024-40 amending the San Miguel County Land Use Code to add a new Article 6, Natural Resources and Section 6-2, Regulation of Solar Energy Systems; renumbering existing Article 6, Definitions, to become Article 7 and amending other references to conform to this renumbering; amending other sections and provisions of the Code for clarification and consistency, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. With the adoption of this Resolution, the Temporary Emergency Moratorium enacted by the Board in BOCC Resolution No. 2032-27 and extended in BOCC Resolution Nos. 2023-42 and 2024-15 shall hereby expire. With further amendments detailed and stated in Resolution 2024-40, Reception #486473, recorded September 23, 2024. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT IV - Resolution 2024-40)

11) AFFORDABLE HOUSING UPDATES

Presented by: Jarrod Biggs, Assistant County Manager; Mike Bordogna, County Manager

Update on the Pathfinder Gravel Pit and the next steps scheduled or to be scheduled.

1. NEPA Forest Service
2. Evaluation/appraisal
3. Work by Buckhorn Geotech
4. Pathfinder road system
5. Designing new layout - due to the Penstock to be vacated
6. Soil Reports show good material on site

The Deep Creek- Flood Plain Analysis contract has been signed and scheduled.

12) MANAGER MATTERS

- 12.a) Consideration of Chair's signature on Resolution 2024-41 a revision to the San Miguel County Administrative Policy Manual expanding and clarifying 5.1 Office Policies - Beverages, Meals, Social Events, Gifts./MOTION

(ATTACHMENT - Resolution 2024-41 Revision Social Events Gifts et al.docx)

Presented by: Mike Bordogna, County Manager; Carmen Warfield, Chief Deputy Clerk

MOTION by Kris Holstrom to approve the Chair's signature on Resolution 2024-41 a revision to the San Miguel County Administrative Policy Manual expanding and clarifying 5.1 Office Policies - Beverages, Meals, Social Events, Gifts with the following edits correct pen to pin and remove bottled water in the document. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT V - Resolution 2024-41)

- 12.b) Consideration of Chair's signature on Resolution 2024-42 supporting a yes vote on initiative 3A referred by the San Miguel Authority for Regional Transportation seeking voter approval for a .82% sales tax increase, a 1.25% lodging tax increase, and a 1.336 mill levy increase for the purpose of funding regional transportation./MOTION

(ATTACHMENT - Reso 2024-42 Supporting Initiative 3A.pdf)

MOTION by Kris Holstrom to approve the Chair's signature on Resolution 2024-42 supporting a yes vote on initiative 3A referred by the San Miguel Authority for Regional Transportation seeking voter approval for a .82% sales tax increase, a 1.25% lodging tax increase, and a 1.336 mill levy increase for the purpose of funding regional transportation. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT VI - Resolution 2024-42)

- 12.c) Discussion of property tax for the year 2025.

(ATTACHMENT - BOCC Agenda Doc - 2025 Mill Levy Discussion (09182024).docx.pdf)

Presented by: Jarrod Biggs, Assistant County Manager

Note: Kris Holstrom and Lance Waring were in support. Anne Brown was unsure at the time.

Update and Other, as needed.

Presented by: Mike Bordogna, County Manager

1. Update on the Idarado Legacy Trail and the professional clean-up that needs to be completed. Board Consensus was to reallocate funds from the Parks and Open Space budget to pay for this expense.
2. Update on the Imogene/Black Bear Pass.
3. The Trout Lake culvert replacement should be completed on time.

13) COUNTY HOUSING MATTERS

- 13.a) Consideration of approving a hearing officer policy and the authority to hire up to three hearing officers for the San Miguel County Housing Authority./MOTION

(ATTACHMENT - Hearing officer policy9.18.24.docx.pdf)

MOTION by Anne Brown to approve with the clarifications and amendments to the document as discussed. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 15.b) **Executive Session: Discussion of the mitigation fee, citation 4(b) conference with an attorney.**

Presented by: Lane Thomasson, County Attorney; Amy Markwell, County Attorney
In attendance: John Huebner, Senior Planner; Kaye Simonson, Planning Director

3:10 p.m. Recessed.

3:42 p.m. Reconvened.

MOTION by Kris Holstrom to go into executive session, to discuss the mitigation fees, citation 4(b) conference with an attorney. **SECONDED** by Anne Brown. **PASSED 3-0.**

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

(ATTACHMENT VII - Executive Session Attest)

MOTION by Anne Brown to continue the Employee housing mitigation fees at 2022 levels until further direction is received from the board. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 15.a) **Consideration of an employment contract with Maura Fahey for the position of County Attorney./MOTION**

(ATTACHMENT - Fahey, Maura - Employment Contract 9 16 2024.docx)

MOTION by Kris Holstrom to approve the employment contract with Maura Fahey for the county attorney position. **SECONDED** by Anne Brown. **PASSED 3-0.**

Presented by: Mike Bordogna, County Manager

14) COMMISSIONER UPDATES:

Kris Holstrom - There is a Community Pizza party at the Livery this Friday.
Anne Brown - West End Leadership Plan; SMART Board meeting; San Miguel Power Power Hour; Co-responder program
Lance Waring - SMART Board meeting, Gondola Subcommittee meeting; ECAP Board Meeting

15) ATTORNEY MATTERS

12.d) Executive Session: Discussion of County Road 63.5L aka (Ilium Road), citation 4(b) conferences with an attorney and 4(e) negotiating strategies.

Presented by: Amy Markwell, County Attorney

MOTION by Kris Holstrom to go into executive session, to discuss County Road 63.5L aka (Ilium Road), citation 4(b) conferences with an attorney and 4(e) negotiating strategies. **SECONDED** by Anne Brown. **PASSED 3-0.**

4:01 p.m. Recessed.

4:59 p.m. Reconvened.

MOTION by Anne Brown to come out of executive session, the board only talked about the County Road 63.5L aka (Ilium Road), citation (4)(b). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

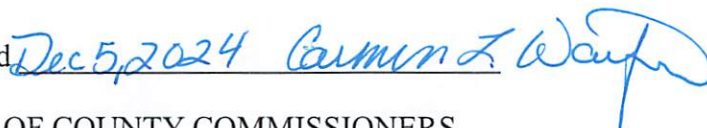
(ATTACHMENT VII - Executive Session Attest)

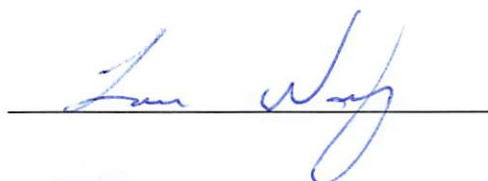
16) ADJOURNMENT

MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Anne Brown. **PASSED 3-0.**

5:00 p.m. Adjourned.

Respectfully submitted,

Approved Dec 5, 2024 
BOARD OF COUNTY COMMISSIONERS



ATTEST:





Office of the Treasurer and Public Trustee

Brandi R. Hatfield, Treasurer and Public Trustee

PUBLIC TRUSTEE'S REPORT

First Quarter beginning January 1, 2024 and ending March 31, 2024

Financial Report

Revenue Source	1st Quarter 2024	1st Quarter 2023	\$ Change
Release of Deeds of Trust	97 \$ 1,455.00	84 \$ 1,260.00	13 \$ 195.00
Foreclosure Fees	\$ 185.00	\$ 370.00	\$ (185.00)
Interest	\$ 193.26		\$ 193.26
Total Earnings	\$ 1,833.26	\$ 1,630.00	\$ 203.26

Statistical Report

Number of Foreclosures	1st Quarter 2024	1st Quarter 2023	% Change
Opened:	2	5	-60%
Withdrawn:	1	2	-50%
Filed Bankruptcy	0	0	NO CHANGE
Cured:	0	0	NO CHANGE
Sold:	0	0	NO CHANGE
Redeemed:	0	0	NO CHANGE
Deeds Issued:	0	0	NO CHANGE

I, Brandi R. Hatfield, Public Trustee in and for the County of San Miguel in the State of Colorado, hereby certify the preceding report is a true and correct report of the transactions of the office of Public Trustee in the County and State aforesaid for the 1st Quarter of 2024.

WITNESS MY HAND AND SEAL THIS 3RD DAY OF SEPTEMBER, 2024



Brandi R. Hatfield

Brandi R. Hatfield, Public Trustee in and for the
County of San Miguel, Colorado



Office of the Treasurer and Public Trustee

Brandi R. Hatfield, Treasurer and Public Trustee

PUBLIC TRUSTEE'S REPORT

Second Quarter beginning April 1, 2024 and ending June 30, 2024

Financial Report

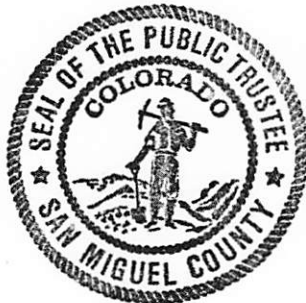
Revenue Source	2nd Quarter 2024	2nd Quarter 2023	\$ Change
Release of Deeds of Trust	87 \$ 1,305.00	105 \$ 1,575.00	-18 \$ (270.00)
Foreclosure Fees		\$ 1,033.75	\$ (1,033.75)
Interest	\$ 195.82	\$ -	\$ 195.82
Total Earnings	\$ 1,500.82	\$ 2,608.75	\$ (1,107.93)

Statistical Report

Number of Foreclosures	2nd Quarter 2024	2nd Quarter 2023	% Change
Opened:	1	0	100%
Withdrawn:	1	2	-50%
Filed Bankruptcy	0	0	NO CHANGE
Cured:	0	0	NO CHANGE
Sold:	0	1	-100%
Redeemed:	0	0	NO CHANGE
Deeds Issued:	0	1	-100%

I, Brandi R. Hatfield, Public Trustee in and for the County of San Miguel in the State of Colorado, hereby certify the preceding report is a true and correct report of the transactions of the office of Public Trustee in the County and State aforesaid for the 2nd Quarter of 2024.

WITNESS MY HAND AND SEAL THIS 3rd DAY OF SEPTEMBER, 2024



Brandi R. Hatfield

Brandi R. Hatfield, Public Trustee in and for the
County of San Miguel, Colorado



September 12, 2024

To: Board of County Commissioners
Mike Bordogna, County Manager

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

Staff is recommending the approval of these payments via consent agenda on September 18, 2024.

Any questions, please let me know. Thank you.

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

AUGUST 2024 PAYMENTS	VENDOR PAYMENTS
101 - General Fund	\$437,813.56
102 - Road & Bridge Fund	\$229,212.56
103 - Social Services Fund	\$7,106.43
104 - Sales Tax Capital Fund	\$50,354.87
106 - Transit Fund	\$9,916.62
108 - Parks and Open Space Fund	\$67,280.65
110 - Lodging Tax Tourism Fund	\$26,951.57
111 - Vegetation Management Fund	\$25,552.84
112 - Early Childhood Education Fund	\$254,400.00
113 - Mental Health Fund	\$18,318.44
115 - Public Health & Environment Fund	\$40,215.45
117 - COVID19 Fund	\$17,121.82
226 - Solid Waste Disposal District	\$4,261.83
301 - Grant Fund	\$423,042.28
TOTALS	\$1,611,548.92

AUGUST 2024 PAYMENTS	PAYROLL
101 - General Fund	\$639,741.01
102 - Road & Bridge Fund	\$81,397.48
103 - Social Services Fund	\$38,300.79
107 - Retirement Fund	\$42,240.01
108 - Parks and Open Space Fund	\$49,375.78
115 - Public Health & Environment Fund	\$34,437.44

301 - Grant Fund	\$8,189.20
TOTALS	\$893,681.71



San Miguel County Semi Annual Report

Item 6.L.
ATT III

Start Date	01/01/24
End Date	06/30/24

Account Name	Beginning Balance	Current Tax	Delinq Tax	Misc Receipts	Abatements	Transfers	Treasurer Fees	Disburse	Ending Balance
101 GENERAL FUND	\$19,665,884.40	\$8,450,544.62	\$2,511.76	\$7,623,718.07	(\$14,489.09)	\$0.00	\$0.00	(\$9,027,292.34)	\$28,067,256.55
102 ROAD & BRIDGE	\$4,597,895.05	\$929,056.10	\$772.84	\$1,676,794.29	(\$3,496.89)	\$0.00	(\$17,683.04)	(\$1,540,556.45)	\$5,669,093.13
103 SOCIAL SERVICES	(\$102,231.43)	\$186,279.88	\$63.05	\$337,823.88	(\$343.91)	(\$11,747.20)	\$0.00	(\$471,813.65)	(\$67,557.25)
104 SALES TAX/CAPITAL	\$5,787,127.52	\$0.00	\$0.00	\$1,487,128.71	\$0.00	\$0.00	\$0.00	(\$744,082.99)	\$6,531,673.24
105 CONTINGENCY FUND	\$1,000,000.00	\$0.00	\$0.00	\$500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500,000.00
106 TRANSPORTATION	\$134,473.87	\$0.00	\$0.00	\$386,205.57	\$0.00	\$0.00	\$0.00	(\$365,398.62)	\$155,280.82
107 RETIREMENT FUND	\$85,700.57	\$465,113.87	\$158.64	\$20,394.47	(\$863.45)	\$0.00	(\$13,952.14)	(\$250,349.90)	\$306,202.06
108 OPEN SPACE FUND	\$5,474,404.91	\$929,056.10	\$610.14	\$27,394.36	(\$2,864.53)	\$0.00	(\$27,816.56)	(\$1,807,870.85)	\$4,643,535.63
109 CONSERVATION TRUST	\$286,039.78	\$0.00	\$0.00	\$27,954.92	\$0.00	\$0.00	\$0.00	\$0.00	\$313,994.70
110 LODGING TAX	\$62,670.90	\$0.00	\$0.00	\$115,125.11	\$0.00	\$0.00	\$0.00	(\$141,505.25)	\$36,290.76
111 VEGETATION MANAGEM	(\$9,409.25)	\$0.00	\$0.00	\$135,405.04	\$0.00	\$0.00	\$0.00	(\$34,062.24)	\$96,883.55
112 EARLY CHILDHOOD	\$807,138.44	\$740,433.13	\$305.07	\$13,954.55	(\$1,578.72)	\$0.00	(\$22,184.58)	(\$495,273.00)	\$1,042,794.89
113 MENTAL HEALTH	\$433,885.39	\$762,693.02	\$305.07	\$16,170.81	(\$1,590.54)	\$0.00	(\$22,852.40)	(\$524,038.89)	\$664,572.46
114 COUNTY ABATEMENT	\$1,334.21	\$0.00	\$84.72	\$0.00	(\$132.47)	\$0.00	\$0.00	\$0.00	\$1,286.46
115 PUBLIC HEALTH	\$10,872.18	\$0.00	\$0.00	\$329,089.15	\$0.00	\$0.00	\$0.00	(\$359,817.88)	\$92,935.17
116 ENERGY FUND	\$44,804.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$99,303.00
117 COVID 19 FUND	\$340,462.67	\$0.00	\$0.00	\$75,715.29	\$0.00	\$0.00	\$0.00	(\$28,267.83)	\$432,782.43
120 EARLY CHILDHOOD CA	(\$1,493.62)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,493.62)
198 SAN MIGUEL RECREAT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
199 INDUSTRIAL REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
224 SAN MIGUEL CO HOUS	\$1,274,708.65	\$0.00	\$0.00	\$590,256.80	\$0.00	\$0.00	\$0.00	(\$128,106.53)	\$1,745,842.75
226 SMC DISPOSAL DISTR	\$179,746.69	\$111,736.35	\$1.62	\$11,247.06	(\$581.27)	\$0.00	(\$3,478.44)	(\$63,082.09)	\$240,323.92
227 SMC DISPOSAL DISTR	\$272.09	\$838.01	\$0.00	\$0.00	(\$5.18)	\$0.00	(\$25.08)	\$0.00	\$1,095.83
301 GRANT FUND	(\$293,640.00)	\$0.00	\$0.00	\$58,168.18	\$0.00	\$0.00	\$0.00	(\$612,107.06)	(\$295,026.00)
781 TREASURER'S FEES	\$8,868.71	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$117.52)	\$0.00	\$8,751.19
782 TREASURER DEED	\$607.55	\$0.00	\$0.00	(\$120.00)	\$0.00	\$0.00	\$0.00	(\$7.50)	\$480.05
940 CLERK HOLDING ACCO	\$103,220.90	\$0.00	\$0.00	\$911,560.07	\$0.00	\$0.00	\$0.00	(\$826,108.54)	\$188,672.43

County Funds Total: \$39,893,344.18 \$12,575,751.08 \$4,812.91 \$14,343,986.33 (\$25,946.05) (\$11,747.20) (\$108,109.76) (\$17,419,741.61) \$51,474,974.15

Account Name	Beginning Balance	Current Tax	Delinq Tax	Misc	Abatements	Transfers	Treas Fees	Disburse	Ending Balance
450 TELLURIDE SCHOOL D	\$20,767.78	\$8,246,565.93	\$2,838.83	\$218,336.38	(\$15,463.13)	\$0.00	(\$20,699.82)	(\$8,443,100.52)	\$51,571.45
460 TELLURIDE SCHOOL D	\$2.64	\$3,606,244.46	\$821.89	\$1,384.57	(\$5,047.38)	\$0.00	\$0.00	(\$3,584,080.19)	\$19,325.99
461 TELLURIDE SCHOOL D	\$84.83	\$122,322.39	\$96.17	\$2,264.68	(\$215.53)	\$0.00	(\$305.57)	(\$123,519.32)	\$727.65
462 TELLURIDE SCHOOL D	\$538.15	\$276,357.97	\$96.20	\$5,113.18	(\$516.19)	\$0.00	(\$2,760.58)	(\$277,195.89)	\$1,632.84
463 TELLURIDE SCHOOL D	\$8,215.54	\$3,325,356.08	\$1,509.35	\$61,464.75	(\$7,441.48)	\$0.00	(\$33,209.04)	(\$3,336,247.67)	\$19,647.53



San Miguel County Semi Annual Report

Account Name	Beginning Balance	Current Tax	Delinq Tax	Misc	Abatements	Transfers	Treas Fees	Disburse	Ending Balance
464 TELLURIDE SCHOOL D	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
490 NORWOOD SCHOOL DIS	\$617.87	\$249,114.62	\$16.88	\$9,588.94	(\$389.50)	\$0.00	(\$626.35)	(\$254,518.12)	\$5,496.34
491 NORWOOD SCHOOL DIS	\$0.40	\$2,523.64	\$1.16	\$53.67	(\$0.68)	\$0.00	(\$6.33)	(\$2,560.38)	\$11.48
492 NORWOOD SCHOOL DIS	\$814.62	\$291,114.37	\$35.78	\$6,136.47	(\$507.02)	\$0.00	(\$2,907.61)	(\$293,369.31)	\$1,317.30
493 NORWOOD SCHOOL DIS	(\$2.47)	\$0.00	\$25.98	\$11.06	\$0.00	\$0.00	\$0.00	(\$34.57)	\$0.00
500 DOLORES SCHOOL DIS	\$325.39	\$53,925.49	\$0.00	\$2,005.30	\$0.00	\$0.00	(\$135.45)	(\$56,266.90)	\$84.83
505 DOLORES SCHOOL DIS	\$0.00	\$22,062.41	\$0.00	\$10.98	\$0.00	\$0.00	\$0.00	(\$22,065.57)	\$7.82
506 DOLORES SCHOOL DIS	\$0.00	\$55.21	\$0.00	\$0.03	\$0.00	\$0.00	(\$0.13)	(\$55.09)	\$0.02
507 DOLORES SCHOOL DIS	\$0.00	\$8,716.87	\$0.00	\$4.34	\$0.00	\$0.00	(\$87.21)	(\$8,630.94)	\$3.06
Schools Total:	\$31,364.75	\$16,204,359.44	\$5,442.24	\$306,374.35	(\$29,580.91)	\$0.00	(\$60,738.09)	(\$16,401,644.47)	\$99,826.31
Account Name	Beginning Balance	Current Taxes	Del Tax	Misc	Abatements	Transfers	Treas Fees	Disburse	Ending Balance
650 TOWN OF TELLURIDE	\$3,311.31	\$739,472.87	\$0.00	\$198,240.60	(\$1,531.35)	\$0.00	(\$20,204.94)	(\$832,476.47)	\$178,023.02
651 TOWN OF TELLURIDE	\$1,361.92	\$512,125.29	\$0.00	\$9,381.92	(\$1,129.60)	\$0.00	(\$10,223.43)	(\$447,225.70)	\$64,290.40
652 TOWN OF TELLURIDE	\$6.85	\$2,847.78	\$0.00	\$52.16	(\$5.75)	\$0.00	\$139.30	(\$2,682.84)	\$357.50
653 TOWN OF TELLURIDE	\$282.66	\$156,627.76	\$0.00	\$2,888.93	(\$247.38)	\$0.00	(\$3,128.64)	(\$136,761.51)	\$19,661.82
654 TOWN OF OPHIR	\$1,563.39	\$163,759.00	\$0.00	\$5,452.42	\$0.00	\$0.00	(\$3,458.94)	(\$139,992.09)	\$34,353.78
655 TOWN OF OPHIR CONT	\$164.44	\$19,176.31	\$0.00	\$337.08	\$0.00	\$0.00	(\$383.66)	(\$15,414.48)	\$3,879.69
660 TOWN OF NORWOOD	\$3,690.13	\$95,539.85	\$3.33	\$5,224.80	\$0.00	\$0.00	(\$2,622.47)	(\$106,499.82)	\$18,727.82
665 TOWN OF MOUNTAIN V	\$11,401.55	\$5,277,926.32	\$5,276.72	\$252,932.68	\$0.00	\$0.00	(\$113,522.87)	(\$5,061,920.48)	\$610,276.92
666 TOWN OF MOUNTAIN V	\$27.10	\$86,153.80	\$163.76	\$1,604.31	\$0.00	\$0.00	(\$1,727.23)	(\$77,508.19)	\$8,713.55
667 TOWN OF MOUNTAIN V	\$265.30	\$134,061.73	\$134.03	\$2,496.61	\$0.00	\$0.00	(\$2,685.27)	(\$120,713.42)	\$13,558.98
668 SAN MIGUEL AUTHORI	\$1,662.43	\$843,852.37	\$301.87	\$15,636.08	(\$1,603.48)	\$0.00	(\$26,367.69)	(\$766,211.64)	\$103,266.94
669 SMART ABATEMENT	\$4.45	\$0.00	\$10.06	(\$0.58)	(\$13.48)	\$0.00	\$0.11	(\$4.45)	(\$3.89)
670 TOWN OF TELLURIDE	\$1,713.12	\$949,259.14	\$0.00	\$17,428.24	(\$1,499.26)	\$0.00	(\$18,961.61)	(\$828,774.34)	\$119,165.29
Towns Total:	\$25,454.65	\$8,980,802.22	\$5,889.77	\$511,675.25	(\$6,030.30)	\$0.00	(\$203,147.34)	(\$8,536,185.43)	\$1,174,271.82
Account Name	Beginning Balance	Current Taxes	Del Tax	Misc	Abatements	Transfers	Treas Fees	Disburse	Ending Balance
600 WILSON MESA METRO	\$399.93	\$195,548.16	\$0.00	\$3,393.19	\$0.00	\$0.00	(\$6,083.20)	(\$168,554.02)	\$31,929.06
601 TELLURIDE FIRE DIS	\$10,201.83	\$8,747,181.59	\$1,738.82	\$162,279.25	(\$11,598.09)	\$0.00	(\$272,261.89)	(\$7,898,120.79)	\$1,075,392.72
602 TELLURIDE FIRE DIS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
603 NORWOOD SANITATION	\$505.49	\$15,867.54	\$0.58	\$302.62	\$0.00	\$0.00	(\$596.13)	(\$4,208.53)	\$15,859.57
604 NORWOOD FIRE DISTR	\$682.52	\$272,988.63	\$45.15	\$9,119.05	(\$687.30)	\$0.00	(\$9,438.02)	(\$265,630.30)	\$49,178.73
605 SAN MIGUEL WATER C	\$7.31	\$2,510.11	\$0.39	\$80.93	(\$5.72)	\$0.00	(\$86.41)	(\$2,363.45)	\$518.16
606 EGNAR FIRE DISTRIC	\$88.87	\$23,244.99	\$0.00	\$554.16	\$0.00	\$0.00	(\$839.66)	(\$22,291.19)	\$3,726.17
607 EGNAR PEST CONTROL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
608 SOUTHWEST WATER CO	\$955.74	\$406,535.34	\$165.54	\$7,662.18	(\$859.24)	\$0.00	(\$12,796.63)	(\$371,135.86)	\$51,058.07
609 TELLURIDE FIRE BON	\$899.86	\$348,845.27	\$160.19	\$6,446.92	(\$800.85)	\$0.00	(\$10,450.77)	(\$302,220.93)	\$42,879.69
613 TELLURIDE FIRE ABA	\$31.24	\$37,376.29	\$30.18	(\$0.52)	(\$69.31)	\$0.00	(\$1,120.57)	(\$32,347.57)	\$4,594.20



San Miguel County Semi Annual Report

Account Name	Beginning Balance	Current Taxes	Del Tax	Misc	Abatements	Transfers	Treas Fees	Disburse	Ending Balance
614 NORWOOD PARK/REC D	\$93.87	\$31,628.82	\$4.26	\$679.11	(\$65.93)	\$0.00	(\$1,077.74)	(\$28,796.81)	\$6,808.58
615 SOUTHWEST WATER DI	(\$0.22)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.22)
617 MVMD BOND 1997	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
618 MVMD BOND 1998	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
619 MVMD BOND 2000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
620 MVMD BOND 2014	\$1,164.03	\$455,326.86	\$588.04	\$8,479.66	\$0.00	\$0.00	(\$13,737.40)	(\$407,990.41)	\$45,596.78
621 MVMD BOND 2005	(\$8,695.14)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$8,695.14)
622 MVMD BOND 2006	(\$3,993.59)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,993.59)
623 MVMD BOND 2007	(\$21,953.65)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$21,953.65)
624 MVMD BOND 2009	(\$3,925.20)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,925.20)
625 MVMD BOND REF/ABAT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
626 TELLURIDE HOSPITAL	\$7,736.74	\$6,936,131.03	\$1,336.30	\$128,680.76	(\$8,980.23)	\$0.00	(\$215,576.73)	(\$6,250,941.43)	\$852,728.44
627 TELLURIDE HOSPITAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
628 TELLURIDE HOSPITAL	(\$6,256.75)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$6,256.75)
629 TELLURIDE HOSPITAL	\$22.32	\$29,447.98	\$23.74	\$545.13	(\$53.47)	\$0.00	(\$882.87)	(\$25,483.14)	\$3,619.69
630 SAN MIGUEL LIBRARY	\$8,121.93	\$3,977,742.09	\$1,420.41	\$73,672.19	(\$7,640.24)	\$0.00	(\$124,449.31)	(\$3,614,867.25)	\$489,025.82
631 SAN MIGUEL LIBRARY	(\$2,889.32)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$2,889.32)
632 SAN MIGUEL LIBRARY	\$0.00	\$0.00	\$26.96	(\$1.81)	(\$41.09)	\$0.00	\$0.42	\$0.00	(\$15.52)
633 LONE CONE LIBRARY	\$1,090.19	\$375,943.27	\$44.43	\$10,909.56	(\$676.15)	\$0.00	(\$12,746.58)	(\$346,361.32)	\$77,605.40
640 LONETREE CEMETERY	\$285.35	\$148,454.09	\$56.75	\$2,756.34	(\$112.44)	\$0.00	(\$4,645.85)	(\$135,496.12)	\$17,694.12
641 LONETREE CEMETERY	(\$18.75)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$18.75)
Special Districts Total:	(\$15,445.40)	\$22,004,772.06	\$5,641.74	\$415,558.72	(\$31,590.06)	\$0.00	(\$686,789.34)	(\$19,876,809.12)	\$2,720,467.06
Total All Funds	\$39,934,718.18	\$60,022,788.31	\$21,786.66	\$15,577,594.65	(\$93,287.06)	(\$11,747.20)	(\$1,058,784.53)	(\$62,456,803.42)	\$55,501,141.81

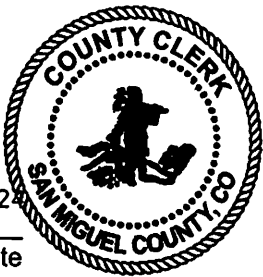
I, Brandi R. Hatfield, County Treasurer in and for the County of San Miguel in the State of Colorado, do hereby certify that this is a true and just statement of the condition of the various funds as they appear in the records of my office at the close of business on the 30th day of June 2024.

Witness my hand and official seal this 3rd day of September 2024.

Brandi R. Hatfield 9/3/2024
Brandi R. Hatfield, County Treasurer, Date



Lance Waring 9/19/2024
Chair for the Board of County Commissioners, Date



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
AMENDING THE SAN MIGUEL COUNTY LAND USE CODE TO ADD A NEW
ARTICLE 6, NATURAL RESOURCES AND SECTION 6-2, *REGULATION OF SOLAR
ENERGY SYSTEMS*; RENUMBERING EXISTING ARTICLE 6, *DEFINITIONS* TO
BECOME ARTICLE 7; AMENDING OTHER REFERENCES TO CONFORM TO THIS
RENUMBERING; OTHER REVISIONS REQUIRED FOR CLARIFICATION; AND
EXPIRATION OF TEMPORARY EMERGENCY MORATORIUM.**

Resolution # 2024-40

WHEREAS, San Miguel County ("County") has the authority to plan for and regulate the use of land within the unincorporated County pursuant to C.R.S. § 29-20-101, *et seq.*; C.R.S. § 30-28-113, and C.R.S. § 30-28-116; and

WHEREAS, on May 24, 2023 pursuant to C.R.S. § 30-28-121, the Board of County Commissioners enacted a temporary moratorium on the submittal of applications for commercial solar projects and major utility projects in order to provide the County sufficient time to develop and promulgate amendments to the Land Use Code pertaining to commercial solar and major utility projects, and subsequently extended said moratorium to May 15, 2024, and to November 15, 2024; and

WHEREAS, the Board of County Commissioners of San Miguel County ("Board") and the San Miguel County Planning Commission ("Planning Commission") held a community meeting in Norwood on October 10th, 2023, and held three public work sessions on January 24, March 27 and May 8, 2024 to consider draft natural resource and solar regulations; and

WHEREAS, the Planning Commission unanimously recommended that the Board amend the San Miguel County Land Use Code ("LUC") and adopt the regulations for Solar Energy Systems, adding Article 6, Natural Resources, and to make necessary amendments related to Solar Energy Systems throughout the LUC, at its July 11, 2024 public meeting; and

WHEREAS, the Planning Commission found that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan; and

WHEREAS, the Board held a public hearing on Wednesday, September 18, 2024 following notice in a newspaper of general circulation not less than fourteen (14) days before the public hearing to consider the proposed amendments to the LUC; and

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

WHEREAS, the Board has considered all relevant evidence received at the public hearing regarding the proposed amendments to the LUC.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of the County of San Miguel, State of Colorado as follows:

Section 1. A new Article 6 of the LUC, Natural Resources, including Section 6-2, Solar Energy Systems, is hereby adopted as set forth in **Exhibit B** to this Resolution, and the current Article 6 of the LUC, Definitions, is hereby renumbered as Article 7, together with conforming cross-references updated to Article 7 throughout the LUC.

Section 2. Article 2, Section 2-3002 of the LUC is hereby amended to add a new 2-3002, to read as follows:

2-3002

To meet greenhouse gas emission targets (pursuant to Board of Commissioner Resolution 2023-04), encourage the development of renewable and alternative energy sources.

Section 3. Article 3, Section 3-101 of the LUC is hereby amended as follows with deletions shown in strikethrough and additions in double-underline:

3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, pursuant to see Section 5-704, and Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J, ~~and Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2~~. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development. . .

Section 4. Article 3, Section 3-103 of the LUC is hereby amended as follows with additions shown in double-underline:

No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District except for Large- and Medium-Scale Solar Energy Systems and Data Centers. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if “Access” (as defined in Article 6) to the property does not exist.

Section 5. Article 3, Figure 3-1 of the LUC is hereby amended as follows, with additions shown in double-underline:

Figure 3-1

Land Use Activities and Review Procedures

Two-step reviews

Development in Wetland Areas other than a Residential Home and Access & Utilities associated with a Residential House

Special Use Permits

...

Major Facility Oil and Gas Development

Wright's Mesa Subdivision Exemption for parcels 37 acres or larger and less than 150 acres

Medium-Scale Solar Energy Systems

Large-Scale Solar Energy Systems

Section 6. Article 3, Section 3-601 of the LUC is hereby amended to add a new 3-601 O. to read as follows:

3-601 O. Medium-Scale and Large-Scale Solar Energy Systems

Section 7. Article 4, Section 4-201 of the LUC is hereby amended as follows with deletions shown in strikethrough and additions in double-underline:

4-201 General

Applications for Land Use Approvals shall include the following minimum submission contents, except where the Land Use Code identifies more detailed submission contents for specific uses. ~~All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code.~~ During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

Section 8. Article 4, Figure 401 of the LUC is hereby amended to add the following, with, additions shown in double-underline:

LAND USE CODE SECTION		
Land Use Activity	Procedure	Standards*
GROUP II (LUC Section 4-7)		
Other Development Applications		
<u>Medium Scale Solar Energy System</u>	<u>3-6</u>	<u>6-2</u>

<u>Large Scale Solar Energy System</u>	<u>3-6</u>	<u>6-2</u>

Section 9. Article 5, Section 5-301 of the LUC is hereby amended to add a new 5-301 C., to read as follows:

5-301 C. Solar Energy Systems

Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, and Large-Scale Solar Energy Systems may be permitted in the Zone Districts set forth in Section 6-2.

Section 10. Article 5, Section 5-320 J. of the LUC is hereby amended to add a new Section 5-320 J.II.a.iv. as follows shown in double-underline:

5-320 J. Data Centers

- II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:
 - a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids.
 - ...
 - iii. All power lines shall be installed underground.
 - iv. Accessory solar development to power the Data Center shall meet the application requirements and review standards of the County LUC, Article 6, Section 6-2, Regulations for Solar Energy Systems.

Section 11. Article 5, Section 5-2203 B. of the LUC is hereby amended as follows with additions shown in double-underline:

5-2203 B. Two-Step Special Use Permit Review

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with

the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. Applications for Solar Energy Systems shall be processed in accordance with Section 6-2 of this Code. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

Section 12. Expiration of Temporary Emergency Moratorium. The Temporary Emergency Moratorium enacted by the Board in BOCC Resolution No. 2032-27 and extended in BOCC Resolution Nos. 2023-42 and 2024-15 shall expire with the adoption of this resolution.

Section 13. Severability. If any clause, sentence, paragraph, or part of this resolution or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect the remaining provisions of this resolution.

Section 14. Effective Date. This resolution shall take effect as of the date of the adoption of this resolution by the Board.

PASSED, APPROVED, AND ADOPTED this 18th Day of September, 2024.

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

By: Lance Waring
Lance Waring, Chair

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

ATTEST:

Carmen Warfield
Chief Deputy Clerk to the Board



Exhibit A – Public Hearing Record List
Exhibit B – LUC Article 6, Natural Resources

EXHIBIT A

PUBLIC HEARING RECORD

San Miguel County Board of Commissioners

Application: Amendment to the San Miguel County Land Use Code – Solar Energy Systems

Date: September 18, 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 Commissioners from Kaye Simonson, Planning Director, dated September 18, 2024
4. Memorandum to Kaye Simonson and Amy Markwell from Torie Jarvis and David Baumgarten, Sullivan Green Seavy Jarvis LLC, dated July 3, 2024; updated September 6, 2024
5. Redlined Draft Regulations for Solar Energy Systems (Exhibit B to Resolution)
6. Draft Regulations for Solar Energy Systems with related Land Use Code Amendments
7. Draft BOCC Resolution 2024-40 for Natural Resources and Solar Energy Systems
8. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director, dated July 11, 2024
9. Planning Commission Minutes from July 11, 2024
10. Legal Notice published in the Telluride Daily Planet and Norwood Post on August 30, 2024
11. Planning Commission Agenda published in the Telluride Daily Planet and Norwood Post on June 28, 2024
12. Press release issued June 18, 2024

AGENCY COMMENTS

13. Memo from Kaye Simonson to Referral Agencies dated June 10, 2024.
14. Email from Dan Roussin, CDOT, received June 10, 2024
15. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated June 25, 2024, with attachments
16. Letter from Rachel Sralla, Colorado Parks and Wildlife, dated June 21, 2024, with attachments
17. Letter from Tony Daranyi, Norwood Water Commission, dated May 1, 2024
18. Letter from David Rodenberg, State Land Board, dated June 26, 2024
19. Email from Shannon Armstrong, San Miguel County Emergency Manager, received May 29, 2024, with attachments
20. Letter from Candy Meehan, Mayor, Town of Norwood, dated June 12, 2024
21. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated September 10, 2024
22. Letter from Rube Felicelli and Brad Zavorski, SMPA, dated September 9, 2024
23. Email from Darin Graber, Town of Telluride, received September 3, 2024
24. Letter from Emma Gerona, EcoAction Partners, dated September 10, 2024
25. Letter from Candy Meehan, Mayor, Town of Norwood, dated September 11, 2024

PUBLIC COMMENT

26. Email from Alexandra Thompson received May 14, 2024
27. Letter from Alexandra Thompson received June 27, 2024
28. Email from Joan May received May 16, 2024
29. Email from Tami St. Germain received May 8, 2024

30. Email from Tony Daranyi received June 24, 2024
31. Letter from Richard Hollinbeck received July 3, 2024
32. Email from Mary Ann Gaston received September 4, 2024, with attachments
33. Letter from Michael and Kandi Mallet, dated September 9, 2024
34. Letter from Dave and Bridget Muller, dated September 10, 2024
35. Letter from Richard Hollinbeck, dated September 10, 2024
36. Letter from Parker and Cary Atkins, dated September 10, 2024
37. Letter from Mary Ann Gaston, dated September 10, 2024
38. Compilation of written comments and form letters (43 pages), received September 11, 2024
39. Letter from Tony Daranyi, dated September 4, 2024
40. Email from Jim and Alice Fay Young, received September 12, 2024
41. Email from Sepp Seitz, received September 11, 2024
42. Compilation of form letters (13 pages) via Karen Gauvey, received September 11, 2024
43. Comment form from Joseph Zikor received September 16, 2024
44. Submission from Mary Ann Gaston, received September 16, 2024
45. Email from Emily Masson, received September 17, 2024

OTHER

None

EXHIBIT B

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

NATURAL RESOURCES

SECTION 6-1: GENERAL

6-101 A. Title

This Article of the San Miguel County Land Use Code ("County Land Use Code" or "LUC") is titled Regulations for Natural Resources ("these Regulations").

6-101 B. Purpose

This Article of the Code establishes land use standards applicable to natural resource development in San Miguel County.

6-101 C. Authority

These Regulations are adopted pursuant to, *inter alia*, C.R.S. § 29-20-101, *et seq.* and C.R.S. § 30-28-101, *et seq.*

6-101 D. Definitions

The words and terms used in this Article 6 shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in the LUC, Article 7, shall govern. If there is a conflict between the definitions in Article 7 and the definitions in this Article then the definitions in this Article shall prevail. If the term is not found in these Regulations or in Article 7, the term shall have its common meaning.

Adverse

Unfavorable, harmful, or negative.

Impact

Any alteration or change to the natural or human environment resulting directly or indirectly from development or cumulatively in combination with other past, present, and reasonably foreseeable future development.

Mitigation

Those steps, measures, or activities to address known, anticipated, or reasonably foreseeable adverse impacts identified in the application impact assessments for a project. The purpose of mitigation when implemented is to address those impacts so that the project will comply with the applicable review criteria in the County Land Use Code, Article 6.

Significant

Deserving to be considered important, notable, worthy of consideration, and not trifling or trivial.

Wetlands

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or the Colorado Water Quality Control Commission and Division under C.R.S. § 25-8-205.1.

SECTION 6-2: SOLAR ENERGY SYSTEMS

Section 6-201 General Provisions

6-201 A. Purpose

The purpose of this Section 6-2 (“this Section”) is to facilitate the development of Solar Energy Systems in appropriate locations that prioritize such development on existing disturbed areas while preserving farmland and grazing, and to foster the County’s sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, economic, and cultural values.

6-201 B. Applicability

- I. This Section applies to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County, including on federal land.
- II. If any provisions of this Section conflict with other provisions in the LUC, this Section shall control.

6-201 C. Permit Required

A permit issued pursuant to this Section is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel County, including on federal land.

6-201 D. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems on non-federal lands may be permitted only in certain zone districts as follows:

- I. Large-Scale Solar Energy Systems
 - a. Forestry, Agriculture, and Open
 - b. Heavy Commercial
 - c. Low Intensity Industrial

- d. Public
- e. West End
- II. Medium-Scale Solar Energy Systems
 - a. Forestry, Agriculture and Open
 - b. Heavy Commercial
 - c. Low Intensity Industrial
 - d. Public
 - e. Wright's Mesa Light Industrial
 - f. Wright's Mesa Rural Agriculture
 - g. West End
- III. Microgrid Medium-Scale Solar Energy Systems. In addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 6-201.D.II., Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts:
 - a. High Density
 - b. Medium Density
 - c. Low Density
 - d. Affordable Housing Planned Unit Development
 - e. Low Density Residential
 - f. Mixed Use Development
 - g. Community Housing
- IV. Small-Scale Solar Energy Systems may be permitted in all zone districts.
- V. Federal Land. Solar Energy Systems on federal land may be permitted in all zone districts pursuant to this Section.

6-201 E. Limitation on Number of Permits Issued for Large-Scale Solar Energy Systems

The Board shall issue no more than three (3) permits for Large-Scale Solar Energy Systems proposed on non-federal lands within a five-year period. The five-year period begins with the issuance of the first permit.

6-201 F. Permit Review Procedures

A permit application for the development of Solar Energy Systems is subject to the following levels of review:

- I. Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, are subject to Two-Step Review (Planning Commission and Board review) as set forth in the LUC, Article 3, Section 3-6.
- II. Small-Scale Solar Energy Systems are subject to Administrative Review

procedures as set forth in the LUC, Article 3, Section 3-4.

- III. Amendments to permit applications are subject to review as set forth in the LUC, Article 3.

6-201 G. Term of Permit and Commencement of Project

- I. The permit may be issued for an indefinite term, or for a specified period, depending upon the size and complexity of the Solar Energy System Project ("Project").
- II. If construction of a permitted Project has not been initiated within three (3) years of permit issuance or if construction of a permitted Project does not satisfy the time benchmarks identified in the permit, the permit shall be void and of no further force and effect. The Board may grant extension(s) of the approval for good cause shown.

6-201 H. Transfer of Permits

Any permit for Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, approved by the County may be transferred to another owner/operator only after a public hearing by the Board. The County must ensure, in approving any transfer, that:

- I. The proposed transferee shall comply with all the requirements, terms, and conditions contained in the permit and this Section;
- II. That such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, environment, and wildlife; and
- III. That an adequate guarantee of financial security can be made.

6-201 I. Definitions

In addition to definitions in Section 6-101.D., the words and terms used in this Section 6-2 shall have the meanings set forth below.

Agrivoltaics

The integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels.

Grid

The interconnected group of power lines and associated equipment for moving electric energy at high voltage between points of supply and points at which it is delivered to other electric systems or transformed to a lower voltage delivery to customers.

Interconnection

The technical and electrical link between the Solar Energy System and the power grid.

Large-Scale Solar Energy System

A Solar Energy System consisting of solar arrays occupying thirty (30) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Medium-Scale Solar Energy System

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than thirty (30) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Microgrid

A Solar Energy System that can act independently of the larger electrical grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or "island-mode," where the system transmits and distributes energy within defined boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that only operates in islanded conditions.

Small-Scale Solar Energy System

A Solar Energy System either consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Solar Energy System

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, and any on-site energy storage facilities and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system.

Section 6-202 Permit Application Requirements for All Solar Energy Systems

6-202 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board Resolution for Fee Schedule and consistent with C.R.S. § 24-48.5-113 to the extent applicable. Fees shall be as set by the Board pursuant to the LUC, Article 3, Section 3-1410, and as set forth in the adopted fee schedule.

6-202 B. Consultants and Referral Agency Costs

The costs of consultant and referral agency reviews are the responsibility of the applicant. The Planning Director may authorize all or a portion of the review of any phase of the application to be performed by a consultant or consultants of the County's choosing and sent to referral agencies that the County deems appropriate for the application. Copies of any such referral agency comments received must be forwarded to the applicant for its response.

6-202 C. Expansion of Solar Energy Systems or Sequential Projects

If an applicant receives a permit for a Solar Energy System project that is classified as a Small-Scale or Medium-Scale Solar Energy System, and proposes an additional project at a later date as an addition to or expansion of the approved Solar Energy System such that the projects considered together would have been classified as at least the next higher level of size classification, then the additional and any such subsequent proposals shall be reviewed as the next-higher level of size classification. The cumulative impacts of the sequential projects or expansions, considered together and in combination with other past, present, and reasonably foreseeable future development, shall be the basis on which compliance with this Section is determined.

6-202 D. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the Planning Director determines that the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application. The Planning Director may waive application material(s) at the pre-application conference or upon request of the applicant.

6-202 E. Confidential Materials

An applicant may work with the County Attorney to address how confidential information may be appropriately handled in the application materials.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction and operation of the Large-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or other qualified professionals. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this application at the request of County staff.

6-203 A. Information Describing the Applicant

I. The contact information, including email address, organizational form, and

business of the applicant and, if different, the owner of the Large-Scale Solar Development.

- II. The names, addresses, and qualifications of the entity or individuals responsible for managing the construction and operation of the Large-Scale Solar Development, including areas of expertise and experience with Large-Scale Solar Developments directly related or similar to the Large-Scale Solar Development.
- III. Authorization of the application package by the owner of the Large-Scale Solar Development, if different than the applicant.
- IV. Written authorization of the application package by the owner of the property on which any feature or component of the Large-Scale Solar Development is located.
- V. Documentation of the applicant's technical capability to develop, operate, and decommission the Large-Scale Solar Development, including a description of the applicant's experience with similar Large-Scale Solar Developments.
- VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-203 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-204, Review Criteria for Large-Scale Solar Energy Systems, including without limitation:

- I. Location and extent of existing and proposed disturbed areas and description of how the Large-Scale Solar Development will prioritize development of existing disturbed areas.
- II. Access route(s) to the Large-Scale Solar Development including adequate emergency access.
- III. Structures, fencing, equipment, and other improvements related to the facility.
- IV. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-204.C.II.
- V. Method, design, and necessary upgrades to accommodate interconnection.
- VI. Security measures to prevent uninvited access to or trespass upon any of the facilities.
- VII. Estimated life span of the Large-Scale Solar Development.
- VIII. Other proposed uses for property, if any.
- IX. Proposed end use of the property following decommissioning.

6-203 C. Technical Feasibility of the Large-Scale Solar Development

A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques for proposed mitigation measures.

6-203 D. Property Rights, Permits, and Approvals

- I. A list of the federal, state, and local permits or approvals that have been or will be required for the Large-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the County permitting process.
 - a. Copies of draft permit applications or draft permits as available.
 - b. Copies of approved permits and approvals.
- II. The applicant's right to use any water necessary for the construction and operation of the Large-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.
- III. Copies of any consultation correspondence with official federal, state, and local authorities prepared for the Large-Scale Solar Development.
- IV. Copies of any draft or final environmental assessments or impact statements prepared for the Large-Scale Solar Development.
- V. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Large-Scale Solar Development.
- VI. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or an interconnection agreement.

6-203 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development and topographic and cultural features and federal and state-owned lands at minimum within one (1) mile of the Large-Scale Solar Development, shown in a form acceptable to the Planning Director.

6-203 F. Water Quality Conditions Impact Assessment

- I. Map and description of the hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Large-Scale Solar Development.
- II. Description of existing conditions for surface water and groundwater quality affected by the Large-Scale Solar Development, including without limitation current water quality data, water body classifications, and water quality standards adopted by the Colorado Water Quality Control Commission.
- III. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on surface water and groundwater quality, including without limitation, increases in impervious surfaces, stormwater runoff, and concentrations of pollutants.
- IV. Description of proposed techniques that will be used to mitigate impacts to water

quality and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 G. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

- I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:
 - a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.
 - b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.
 - c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.
 - d. Transition from wetland to upland species.
 - e. Aerial extent, function, and channel connectivity of floodplains.
 - f. Alteration in hydrology that would allow succession to upland species.
- II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.
- III. Description of proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-203 H. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Large-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

- I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.
- II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
- III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.
- IV. Minimizing site compaction during construction or tilling and amending soil

following construction to maintain the natural infiltration capacity of the soil.

- V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.
- VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife (“CPW”) in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

- I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:
 - a. Wildlife including the status and relative importance of game and non-game wildlife and any other species identified by the County or CPW during consultation.
 - b. Any species (animal, bird, and insect) listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.
 - c. Critical wildlife habitat including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management (“BLM”), and U.S. Fish and Wildlife Service (“USFWS”) maps.
- II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development would have on wildlife and wildlife habitat including without limitation:
 - a. Changes to wildlife species composition or density.
 - b. Changes in the number of and habitat of threatened or endangered species.
 - c. Changes in extent, quality, quantity, and fragmentation of wildlife habitat such as changes to migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.
 - d. Alteration, conversion, or destruction of vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).
 - e. The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels,

through and around facilities, and provide continued access to forage and habitat.

- f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.
- g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP")* and *RMP Amendment(s)*, the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan*, and as these plans may be amended in the future.

III. Development of a Wildlife Mitigation Plan ("WMP") that describes consultation with CPW and proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.

- a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. Compensatory mitigation for wildlife and wildlife habitat should occur within the individual home range of the impacted wildlife resource, such as the same Game Management Unit for big game species or the same stream corridor for aquatic species.
- b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.
- c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Mining Operation's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.
- d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

- I. Map and description of terrestrial plant life sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:
 - a. The type and density of terrestrial plants in the area affected by the Project;
 - b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.
- II. Assessment of direct, indirect, and cumulative impacts of the Project to terrestrial plant life that includes without limitation:
 - a. Changes to habitat of threatened or endangered plant species or species of concern.

- b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
 - c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.
- III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Large-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring

6-203 K. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Large-Scale Solar Development, including without limitation:

- I. Existing (solid lines) and proposed (dashed lines) contours at two (2)-foot intervals or other contour intervals approved by staff.
- II. Narrative description and scaled drawings of specific measures to avoid soil disturbance, when possible, and to minimize erosion and control sediment. Narrative description and drawing will include approximate locations of any proposed drainage facilities and drainage patterns and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.
- III. Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.
- IV. Estimated total cost of the required soil erosion and sediment control measures.
- V. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.
- VI. Copies of any required Colorado Department of Public Health and Environment or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

6-203 L. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Large-Scale Solar Development, including without limitation:

- I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.
- II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas that have a clear difference in

soil type, drainage, or plant growth will be avoided for sample collection.

- III. Summary of potential impacts on vegetation as a result of the Large-Scale Solar Development.
- IV. Plan for revegetation and weed management that provides for:
 - a. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.
 - b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.
 - c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.
 - d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.
 - e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.
 - f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

- I. Description of the impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.
- II. Description of proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Large-Scale Solar Development.

6-203 N. Glare, Glint, and Lighting Impact Assessment

- I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.
- II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.
- III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operations of the Large-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any

applicable Dark Sky Places designation(s).

- IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting.

6-203 O. Visual Quality Impact Assessment

- I. Map and description of the existing scenic rural landscape within one (1) mile of the outer perimeter of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.
- II. Describe the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development.
- III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one (1) mile of the outside perimeter of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-203 P. Natural Hazards Impact Assessment

- I. Map and description of geological characteristics and hazardous conditions potentially affected by the Large-Scale Solar Development including without limitation:
 - a. Description of drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.
 - b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.
- II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on natural hazards, and the direct, indirect, and cumulative impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.
- III. Description of proposed techniques that will be used to mitigate impacts of the Large-Scale Solar Development on natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Large-Scale Solar Development.

6-203 Q. Local Government Services Impact Assessment

- I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads,

emergency services, schools, water and wastewater treatment, water supply, transportation, infrastructure, and other services necessary to accommodate Large-Scale Solar Development.

- II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.
- III. Description of proposed techniques that will be used to mitigate impacts on local government services.

6-203 R. Housing Impact Assessment

- I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Large-Scale Development.
- II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Large-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Large-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.
- III. Description of the proposed techniques that will be used to mitigate impacts on housing.

6-203 S. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

- I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.
- II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).
- III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, critical wildlife

habitat, schools and other civic buildings, and already congested locations.

- IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.
- V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.
- VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.
- VII. Proposed phasing of construction to minimize interference with traffic movement.
- VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

- I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.
- II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.
- III. The applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way and/or infrastructure.

6-203 V. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response and to repair damage caused by emergencies.

6-203 W. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development, including:

- I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
- II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.
- III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.
- IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

6-203 X. Agricultural Resources and Heritage Impact Assessment

- I. Map and description of existing agricultural resources and assets, including livestock and lands in the area affected by the Large-Scale Solar Development.
- II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service ("NRCS") classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."
- III. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.
- IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.
- V. Description of proposed agricultural activities on the site after construction.

6-203 Y. Recreational Resources Impact Assessment

- I. Map and description of existing recreational resources and uses in the area affected by the Large-Scale Solar Development.
- II. Description of the impacts of the Large-Scale Solar Development on recreational resources and uses.
- III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-203 Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

- I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Large-Scale Solar Development, including without

limitation:

- a. Historical or archaeological landscape, features, structures, and artifacts historical and archaeological features, including purposes, functions, and use(s) of those features such as agricultural, grazing, recreation, or religious purposes.
 - b. State historic site survey and inventory form(s) completed by a qualified professional acceptable to the State Historic Preservation Officer for all paleontological, historical, or archaeological resources affected by the Large-Scale Solar Development.
 - c. List of properties, structures, objects, districts, and sites listed on the National Register of Historic Places, eligible for inclusion on the National Register of Historic Places, listed on the State Register of Historic Properties, or listed on the San Miguel County Historic Register in the area affected by the Large-Scale Solar Development.
- II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on sites of paleontological, historical, or archaeological importance and proof of compliance with the procedures for notification to the State Historical Preservation Office, Office of the State Archaeologist, San Miguel County Historical Commission, and to applicable local historical societies/organizations upon discovery of historical or archaeological resources during the construction and operation of the Large-Scale Solar Development.
 - III. Description of the proposed techniques that will be used to mitigate impacts on sites of paleontological, historical, or archaeological importance.

6-203 AA. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Large-Scale Solar Development that will begin no later than twelve (12) months after power production has permanently ceased. The *Decommissioning and Restoration Plan* must be updated every five (5) years or more frequently upon request by the County based on changed circumstances. The Plan must include:

- I. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the plan.
- II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline, the process for decommissioning the Large-Scale Solar Development and reclaiming the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.
- III. Reasonably Similar Condition. Description of how the land will be restored to a condition similar to or better than its condition prior to development and how it will remain available for productive use.
- IV. Removal of Components. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures,

fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

- V. **Site Restoration.** Restoration of soil and vegetation on the site after decommissioning in cooperation with the San Miguel County Manager of Vegetation Control Management.
 - a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with crops or vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW's "Colorado Seed Mix Tool."
 - b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.
 - c. Restoration must include soil tests after the system ceases production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection must avoid areas that have a clear difference in soil type, drainage, or plant growth.
- VI. **Monitoring Plan.** A plan to monitor the site after decommissioning and restoration for a minimum of three (3) years and a schedule for reporting monitoring results to the County. Groundwater and surface water monitoring may be required on a case-by-case basis where an adverse impact on groundwater or surface water quality may reasonably be expected. Monitoring shall be extended for an additional period of three (3) years if the site is not decommissioned and restored consistent with the *Decommissioning and Restoration Plan*.
- VII. **Cost of Decommissioning and Restoration.** Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 6-207, including the following costs:
 - a. Labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.
 - b. Restoration.
 - d. Decommissioning and restoration activity management, monitoring, site supervision, and site safety costs.
 - e. Any other costs, including administrative costs, associated with the decommissioning and restoration of the facility site.
 - f. Costs of outside technical and legal experts to assist with any phase of inspection and determination of compliance with the *Decommissioning and*

Restoration Plan.

- VIII. Process for Updating Plan. A plan for updating the *Decommissioning and Restoration Plan* and submitting any necessary updates to the County for review and approval at minimum every five (5) years or more often as warranted.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-204 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Large-Scale Solar Development consistent with all requirements and conditions.

6-204 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a “letter of intent to interconnect” or interconnection agreement with the applicant. The County may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

6-204 C. Site Design Review Criteria

- I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.
- II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines and one quarter (¼) mile from a Colorado designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application.
- III. Access. Road access to the Large-Scale Solar Development must be adequate for emergency and fire response access.
- IV. Safety and Security. The Large-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Large-Scale Solar Development.

6-204 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-204 E. Technical Feasibility

The Large-Scale Solar Development shall be technically feasible.

6-204 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-204 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-204 H. Water Quality

The Large-Scale Solar Development will not have an adverse impact on surface water or groundwater quality. In determining whether this criterion is satisfied, the Board may take into account, without limitation, changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board may take into account, without limitation:

- I. Changes to the naturally-mediated energy transfer in the channel and floodplain.
- II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.
- III. Disturbance to wetlands or fens during construction and operation.
- IV. Replacement of wetland species with upland species.

- V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

- I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board may take into account, without limitation:
 - a. The degree of anticipated changes in species composition, density, or diversity.
 - b. The degree of anticipated changes to the number of and habitat of species, including but not limited to endangered or threatened species or species of greatest conservation need.
 - c. The degree of anticipated changes to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.
 - d. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.
 - e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.
 - f. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for impacts to wildlife and wildlife habitat
- II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.
- III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.
 - a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.
 - b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.
 - c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, and as may be amended, or substantially similar design. Install structures (ramps, gates,

etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

- d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by best available science and include as appropriate, open space with natural vegetation or habitat features that make these passageways attractive for use by wildlife. and connection to potential wildlife habitat on either side.
- e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas.

6-204 L. Terrestrial Plants

The Large-Scale Solar Development will not have an adverse impact on terrestrial plants.

6-204 M. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-204 N. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Large-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor

- I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health, safety, and welfare, or the environment, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.
- II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-204 P. Glare and Glint

- I. The glare and glint from the Large-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, nor result in a risk to public health, safety, welfare, or the environment.
- II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-204 Q. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-204 R. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

6-204 S. Risk from Natural Hazards

The Large-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-204 T. Impact to Local Government Services

The Large-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-204 U. Housing

The Large-Scale Solar Development will not reduce the availability of housing during construction or operation of the Large-Scale Solar Development.

6-204 V. Water Services Availability

If the Large-Scale Solar Development will be served by water, the water supply facilities must:

- I. Be adequate to serve the Large-Scale Solar Development.
- II. Be non-consumptive in total water use.
- III. Have no adverse impact on water resources in the area impacted by the Large-Scale Solar Development.
- IV. Comply with state standards.

6-204 W. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions, water quality, wildlife, or wildlife habitat.

6-204 X. Road and Rights-of-Way Improvements and Maintenance

- I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Large-Scale Solar Development will be maintained in accordance with the *Improvements and Maintenance Plan*.
- II. The applicant has obtained access and/or road use permits required from the County

Road and Bridge Department, and easements have been established where necessary.

- III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure necessitated by the construction and operation of the Large-Scale Solar Development.
- IV. If the use of public roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.
- V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.
- VI. Staging activities and parking of equipment and vehicles will occur on-site and on private rights-of-way and are prohibited on maintained County roads, except for temporary road closures during construction with prior notice to the road manager.

6-204 Y. Emergency Preparedness and Response

The construction and operation of the Large-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and Emergency Manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-204 Z. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*.

The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-204 AA. Agricultural Resources

- I. The Large-Scale Solar Development will not have a significant adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.
- II. No more than thirty percent (30%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. If the Large-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Large-Scale Solar Development shall be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS.

6-204 BB. Recreational Resources

The Large-Scale Solar Development will not have an adverse impact on the quality or

quantity of recreational experiences and opportunities.

6-204 CC. Areas of Paleontological, Historical, or Archaeological Importance

The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-204 DD. Decommissioning and Restoration

The Large-Scale Solar Development will be decommissioned, and the site will be restored, consistent with the approved *Decommissioning and Restoration Plan*.

6-204 EE. Compliance with Required Plans/Studies/Reports

The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-203 and as approved by the Board.

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Medium-Scale Solar Energy Systems (“Medium-Scale Solar Development”), including Microgrid Medium-Scale Solar Energy Systems, to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address both the construction and operation of the Medium-Scale Solar Development either separately or together.

Any required detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer (“P.E.”) or other qualified professionals. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

The Planning Director may waive application materials when the Planning Director determines, based on the scale, scope, and intensity of the project, that the information would not be relevant to a determination as to whether the Solar Energy System complies with the corresponding review criteria. The Planning Director may waive application material(s) at the pre-application conference or upon request of the applicant.

6-205 A. Information Describing the Applicant

- I. The names, addresses, including email address, organizational form, and business of the applicant and, if different, the owner of the Medium-Scale Solar Development.
- II. The names, addresses, and qualifications of individuals responsible for constructing and operating the Medium-Scale Solar Development, including areas of expertise and experience with solar energy systems directly related or similar to the Medium-Scale Solar Development.
- III. Authorization of the application package by the owner of the Medium-Scale Solar Development, if different than the applicant.

- IV. Authorization of the application package by the owner of the property on which any feature or component of the Medium-Scale Solar Development is located.
- V. Documentation of the applicant's technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant's experience with similar Solar Energy Systems.
- VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-205 B. Information Describing the Medium-Scale Solar Development

- I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-206, including:
 - a. Location and extent of existing and proposed disturbed areas and description of how the Medium-Scale Solar Development will prioritize development of existing disturbed areas.
 - b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.
 - c. Structures, fencing, equipment, and other improvements related to the facility.
 - d. Setbacks from roads and adjacent properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-206.C.II.
 - e. Method, design, and necessary upgrades to accommodate interconnection.
 - f. Security measures to prevent uninvited access to or trespass upon any of the facilities.
 - g. Estimated life span of the Medium-Scale Solar Development.
 - h. Other proposed uses for the property, if any.
 - i. Expected end use of the property following decommissioning.
- II. Vicinity map showing the location of the Medium-Scale Solar Development and topographic and cultural features and federal and state-owned lands within one (1) mile of the Medium-Scale Solar Development on a USGS quadrangle map.

6-205 C. Technical Feasibility of the Medium-Scale Solar Development

Description of the technical feasibility of the Medium-Scale Solar Development, including the estimated techniques of proposed mitigation measures.

6-205 D. Property Rights, Permits, and Approvals

- I. Federal, state, and local permits or approvals that have been or will be required for the Medium-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the permitting process, and copies of approved

permits.

- II. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Medium-Scale Solar Development.
- III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-205 E. Water Resource Impact Assessment

- I. Map and description of the existing hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, floodplains, fens, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Medium-Scale Solar Development.
- II. Description of the existing conditions for surface water quality or groundwater quality affected by the Medium-Scale Solar Development.
- III. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on water resources, including without limitation surface water and groundwater quality and existing hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. Water resource impacts include but are not limited to increases in impervious surfaces, stormwater runoff, and concentrations of pollutants and adverse impacts to floodplains, wetlands, riparian areas, and fens.
- IV. Description of the proposed techniques that will be used to mitigate impacts to water resources and a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the Medium-Scale Solar Development's impacts to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring.

6-205 F. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

- I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.
- II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

- III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.
- IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.
- V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.
- VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

The applicant may consult with CPW in developing the Wildlife, Wildlife Habitat, and Terrestrial Impact Assessment.

- I. Map and description of the existing wildlife, including any threatened or endangered species identified by any state or federal agency, in the area affected by the Medium-Scale Solar Development.
- II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and USFWS maps.
- III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.
- IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:
 - a. Changes to wildlife and plant species composition or density.
 - b. Changes in the number of and habitat of threatened or endangered species.
 - c. Changes in extent, quality, quality, and fragmentation of wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.
 - d. The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.
 - e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

- f. Changes to the structure and function of vegetation.
 - g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s)*, the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.
- V. Development of a Wildlife Mitigation Plan ("WMP") that describes proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat.
- a. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat.
 - b. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities.
 - c. The WMP shall provide a plan for monitoring effectiveness of the mitigation that includes key indicators, map(s), and descriptions of qualities that will be monitored to establish baseline conditions; the impacts of Medium-Scale Solar Development to these resources; and effectiveness of, or proposed changes to, mitigation in response to monitoring
 - d. The WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-206 J., Review Criteria for Wildlife and Wildlife Habitat.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

- I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.
- II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.
- III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.
- IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.
- V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best

management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

- VI. Weed control and monitoring at all locations disturbed by the Medium-Scale Solar Development and along access roads during the life of the Project.

6-205 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

- I. Description of the noise, dust, fumes, vibration, and odor caused by the construction or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 6-205 K.)
- II. Description of the proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Medium-Scale Solar Development.

6-205 K. Glare, Glint, and Lighting Impact Assessment

- I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be susceptible to glare, glint, or lighting, including lighting at night, from construction and operation of the Medium-Scale Solar Development.
- II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.
- III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operation of the Medium-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).
- IV. Description of the proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Medium-Scale Solar Development.

6-205 L. Visual Quality Impact Assessment

- I. Map and description of the existing roads and properties nearby to the Medium-Scale Solar Development including lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least two (2) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.
- II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to the visual quality of the nearby roads and properties.
- III. Description of the proposed techniques that will be used to mitigate impacts to the

visual quality of nearby roads and properties, such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-205 M. Natural Hazards Impact Assessment

- I. Map and description of the existing geological characteristics and hazardous conditions affected by the Medium-Scale Solar Development including without limitation drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.
- II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to natural hazards and the impacts created by natural hazards on the siting, construction, and operation of the Medium-Scale Solar Development.
- III. Description of the proposed techniques that will be used to mitigate impacts of the Medium-Scale Solar Development to natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Medium-Scale Solar Development.

6-205 N. Local Government Services Impact Assessment

- I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, transportation, infrastructure, and other services necessary to accommodate Medium-Scale Solar Development.
- II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.
- III. Description of the proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Medium-Scale Solar Development.

6-205 O. Housing Impact Assessment

- I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Medium-Scale Development.
- II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Medium-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Medium-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.
- III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Medium-Scale Solar Development.

6-205 P. Water Services Availability

If the proposed Medium-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the corresponding review criteria.

6-205 Q. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Medium-Scale Solar Development, including without limitation:

- I. Map indicating proposed trip routes for all traffic serving the Medium-Scale Solar Development.
- II. Routes designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.
- III. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.
- IV. Proposed phasing of construction to minimize interference with traffic movement.

6-205 R. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Medium-Scale Solar Development, including without limitation dust suppression, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

If determined necessary, the applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way, or infrastructure.

6-205 S. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Medium-Scale Solar Development and to repair damage caused by emergencies.

6-205 T. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Medium-Scale Solar Development.

6-205 U. Agricultural Resources and Heritage Impact Assessment

- I. Map and description of any existing agricultural resources and assets, including livestock and lands in the area affected by the Medium-Scale Solar Development.
- II. Description of the agricultural productivity of the land affected by the Medium-Scale Solar Development using NRCS classifications, including whether the land is rated “prime farmland,” “prime farmland if irrigated,” or “not prime farmland.”
- III. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.
- IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.
- V. Description of proposed agricultural activities on the site after construction.

6-205 V. Recreational Resources Impact Assessment

- I. Map and description of existing recreational resources and uses in the area affected by the Medium-Scale Solar Development.
- II. Description of the impacts of the Medium-Scale Solar Development on recreational resources and uses.
- III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-205 W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

- I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Medium-Scale Solar Development.
- II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on sites of paleontological, historical, or archaeological importance.
- III. Description of the proposed mitigation techniques that will be used to mitigate sites of paleontological, historical, or archaeological importance.

6-205 X. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Medium-Scale Solar Development commencing no later than twelve (12) months after power production has permanently ceased. The Plan must include:

- I. The projected lifespan of the Medium-Scale Solar Development, a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.
- II. Description of how the land will be restored to a condition similar to its condition prior to development and how it will be available for productive use.
- III. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.
- IV. Description of restoration of soil and vegetation, conducted in cooperation with the San Miguel County Manager of Vegetation Control Management.
 - a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW "Colorado Seed Mix Tool."
 - b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.
- V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 6-207, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 6-206 Review Criteria for Medium-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Medium-Scale Solar Development, including Microgrid Medium-Scale Solar Energy Systems. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-206 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Medium-Scale Solar Development consistent with all requirements and conditions.

6-206 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a “letter of intent to interconnect” or interconnection agreement with the applicant. The County may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

6-206 C. Site Design Review Criteria

- I. Underground Utility Connection. Electrical collection lines within the Medium-Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.
- II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks for Medium-Scale Solar Development do not include landscaping and berming. Setbacks may be increased or decreased during the review and evaluation of the application.
- III. Access. Road access to the Medium-Scale Solar Development must be adequate for emergency and fire response access.
- IV. Safety and Security. The Medium-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Medium-Scale Solar Development.

6-206 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-206 E. Technical Feasibility

The Medium-Scale Solar Development must be technically feasible.

6-206 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

- I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:
 - a. The degree of anticipated changes in species composition, density, or diversity.
 - b. The degree of anticipated changes to the number of and habitat of animal, bird, insect, and plant species.
 - c. The degree of anticipated changes to on-site activity at critical times or locations.
 - d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.
 - e. The degree of anticipated changes to wildlife habitat, including migration corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.
 - f. The degree of anticipated changes to the structure and function of vegetation.
- II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.
- III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.
 - a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

- b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.
- c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.
- d. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design. Install structures (ramps, gates, etc.) to allow large animals (e.g. deer and elk) to escape security fencing.
- e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas.

6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-206 L. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Medium-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

- I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.
- II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-206 N. Glare and Glint

- I. The Medium-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots nor result in a risk to public health and safety from glare or glint.
- II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

- I. Be adequate to serve the Medium-Scale Solar Development.
- II. Be non-consumptive in total water use.
- III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.
- IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on traffic conditions, water quality, wildlife, or wildlife habitat.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

- I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must be maintained in accordance with the *Improvements and Maintenance Plan*.
- II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.
- III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.

- IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.
- V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

6-206 W. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and emergency manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-206 X. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*. The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-206 Y. Agricultural Resources

- I. The Medium-Scale Solar Development will not have a significant adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.
- II. No more than thirty percent (30%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS. If the Medium-Scale Solar Development includes agrivoltaics, no more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-206 Z. Recreational Resources

The Medium-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-206 AA. Areas of Paleontological, Historical, or Archaeological Importance

The Medium-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-206 BB. Decommissioning and Restoration

The Medium-Scale Solar Development will be decommissioned and restored consistent with the approved *Decommissioning and Restoration Plan*.

6-206 CC. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-205.

Section 6-207 Financial Security

6-207 A. Financial Security Required

- I. The County shall require the applicant for a permit for a Large-Scale Solar Energy System to file a guarantee of financial security (“guarantee”), in a form and amount acceptable to the County.
- II. The County in its sole discretion may require the applicant for a permit for a Medium-Scale Solar Energy System to file a guarantee, in a form and amount acceptable to the County.

6-207 B. Amount of Guarantee

- I. The amount of the guarantee must be based on the applicant’s submitted cost estimate and the County’s estimate of any additional costs to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee.
- II. In determining the amount of the guarantee, the County will also consider:
 - a. Estimated cost of reclaiming any impacted areas to their original condition or a condition acceptable to the County.
 - b. Estimated cost of decommissioning the Solar Energy System.
 - c. Estimated cost of performing all mitigation requirements and permit conditions.
- III. The guarantee will be set forth as a permit condition and shall specify as follows:
 - a. The guarantee may be adjusted upon receipt of bids or other cost estimates to perform the requirements of the permit and these Regulations.
 - b. The guarantee may be increased at any time that the County determines that the guarantee is insufficient to cover the purposes of the guarantee.
- IV. The County may review the guarantee for adequacy at any time. If the County determines that the guarantee is insufficient to perform its purpose, the County shall provide the permittee with written notice to increase the guarantee.
 - a. The permittee shall post the additional guarantee within sixty (60) days from the date of the written notice. If the amount of the increased guarantee has not been provided within sixty (60) days from the date of the written notice, the County may schedule a duly noticed Public Hearing before the Board for possible revocation of the permit.

- b. If the permittee disagrees with the notice to increase the guarantee, the County shall schedule a duly noticed Public Hearing before the Board on the matter and consider the permittee's rationale.

6-207 C. Release of Guarantee

The County may cause the guarantee to be released upon the request of the permittee, based on one or more of the following conditions:

- I. The permittee has surrendered the permit to the County before the commencement of any physical activity or disturbance associated with the Solar Energy System.
- II. The County determines that the Solar Energy System has been abandoned and areas impacted by the Solar Energy System have been returned to their original or other acceptable condition.
- III. The County determines that the Solar Energy System has been completed in compliance with the permit.
- IV. The County determines that a phase or phases of the Solar Energy System have been completed in compliance with the permit allowing for partial release of the guarantee consistent with Solar Energy System phasing.
- V. The County determines that applicable guaranteed conditions have been satisfied.

6-207 D. Forfeiture of Guarantee

- I. If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and to the permittee by mailing the notice to the last known address provided by the permittee, that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited.
- II. If the permittee requests a duly noticed Public Hearing, the Board shall hold a hearing after the receipt of the request. At the Public Hearing, the permittee may present statements, documents, and other information for the County's consideration with respect to the alleged violation. At the conclusion of the hearing, the County shall either withdraw the notice of violation or enter an order forfeiting the guarantee.
- III. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the County's Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible including costs and attorney fees.

6-207 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within thirty (30) calendar days after receiving notice

thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County's Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County shall suspend the permit until proper substitution has been made.

Section 6-208 Enforcement and Penalties

6-208 A. General

- I. Any owner/operator constructing or operating a Solar Energy System who does not obtain a permit pursuant to this Section, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit, shall be in violation of these Regulations. Such violations shall be deemed a violation of the LUC.
- II. The County will enforce and remedy violations of these Regulations consistent with the LUC, Article 1.
- III. The County's authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.
- IV. If the violation is not abated within the prescribed period, the County may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

6-208 B. Inspection

- I. The Planning Director or their designee may enter and inspect any property subject to these Regulations at any time for the purpose of determining compliance with these Regulations.
 - a. The Planning Director or their designee shall first make a reasonable effort to locate the owner, operator, or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.
 - b. In the event the owner, operator, or other person having charge or control of the premises to be inspected fails to respond within ten (10) business days, or consent is unreasonably withheld, the Planning Director or their designee may enter the property to be inspected after providing twenty-four (24)-hour notice of the time and location of the inspection.
- II. If the Planning Director or their designee discovers a violation of these Regulations, the Planning Director or their designee may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine the violation has been remedied.

- III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. § 13-21-115.

6-208 C. Hazardous Materials

If the applicant fails to comply with its obligations under the *Hazardous Materials Management Plan* submitted as part of the Large-Scale or Medium-Scale Solar Development application, the County Designated Emergency Response Authority (DERA) or their designee may undertake prevention, control, countermeasure, containment, and clean-up measures. Applicant will pay all costs incurred by the County for any such measures.

- END -

12. A
ATT V

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO, ADOPTING UPDATES OR ADDITIONS TO
THE SAN MIGUEL COUNTY ADMINISTRATIVE POLICY MANUAL**

Resolution #2024 - 41

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, (BOCC) has adopted an Administrative Policy Manual; and

WHEREAS, the BOCC wishes to improve its administrative policy practices through updates and additions to the Manual based on staff recommendations.

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

1. Section 5-1 of the San Miguel County Administrative Policy Manual shall be added according to the attached Exhibit A and incorporated herein by reference.
2. Sections 5-1 shall apply to all departments of the County, including all Elected Official offices.
4. This Resolution shall take effect immediately upon its approval by the Board of County Commissioners.

APPROVED AND ADOPTED this 18th day of September, 2024, at Norwood, Colorado.

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

By: Lance Waring
Lance Waring, Chair

Vote:	Kris Holstrom x Aye	Nay	Abstain	Absent
	Anne Brown x Aye	Nay	Abstain	Absent
	Lance Waring x Aye	Nay	Abstain	Absent

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT A

To begin January 1, 2025

Office Policies – Beverages, Meals, Social Events, Gifts

The purchase of coffee, and tea if made available to all members of a department and to visitors is acceptable. The purchase of snacks for employees is not appropriate.

At the discretion of an elected official, meals may be provided to employees during extended working hours or emergencies. If schedules require that meetings be held over meal time the cost of meal is an allowable expense. The cost of meals should be reasonable, and is limited up to the annual GSA Per Diem Meal and Incidental Expense rate per employee as approved by their supervisor.

Occasional office parties, picnics or other social gatherings for elected officials and staff are acceptable. The cost of food should be reasonable.

POLICY

Full-time, year-round county employees will receive a welcoming package promoting employee engagement and brand awareness, creating a positive onboarding experience. This program also recognizes the longevity of an employee's length of service.

GUIDELINES

Items should be durable, high-quality, and appropriate for the workplace.

Items allowed should have the County's name and logo affixed where appropriate.

Items should be practical and useful for everyday life.

Items should align with the County Purchasing Policy.

Items may be given to Employees of the County as:

1. Welcoming packages as part of their onboarding experience.
2. County events such as giveaways, rewards at events, team outings, and appreciation programs.
3. Departments can order additional items outside the parameters of the individual department budgets.

ANNIVERSARY RECOGNITION

Every five years, employees of San Miguel County are recognized for their time in the County.

Elected officials are exempted from this recognition.

Employees may exceed the amount stated below but are responsible for anything over the allowed amount paid directly to the County. The cost of any item should be verified before ordering.

Each employee will have 30 days from notification (by Human Resources) to choose and order a San Miguel County Embroidery clothing option (jacket, hat, sweatshirt, etc.) and notify Human Resources of the item they desire.

5 years– 5-year pin and \$75.00 to spend on a San Miguel County Embroidery clothing option

10 years - \$75.00 gift certificate to a local business */or Embroidery clothing option for \$75.00

15 years - \$75.00 gift certificate to a local business */or Embroidery clothing option for \$75.00

20 years - \$100.00 gift certificate to a local business */or Embroidery clothing option for \$100.00

25 years - \$125.00 gift certificate to a local business */or Embroidery clothing option for \$125.00

30 years - \$150.00 gift certificate to a local business */ or Embroidery clothing option for \$150.00

35 years - \$175.00 gift certificate to a local business */ or Embroidery clothing option for \$175.00

40 + years - \$200.00 gift certificate to a local business */ or Embroidery clothing option for \$200.00

Frequency

Any items requested outside these guidelines must be budgeted for in each department budget.

SEPARATION OF SERVICE RECOGNITION

The department head may choose to acknowledge the length of service with the county due to separation of service by holding a going-away party at a cost not exceeding \$200.00. Funding is to come from the respective department's operating budget.

LIFE MILESTONES RECOGNITION POLICY

To address outside life events such as births, deaths, marriages, adoptions, and retirements, the County would like to recognize and provide guidelines for a standard gift amount of \$100 per event that could be given to staff during these events.

Examples:

For the death of an immediate family member, a plant or flowers up to \$100 in value may be given in lieu of money.

Due to IRS guidelines, gift cards may be given to staff of a \$100 value, but cash gifts given to employees are taxable as income. This recognition amount will be processed via the payroll system.

FUNDING

Funds will remain in the General Fund if budgeted and not used.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, SUPPORTING A YES VOTE ON INITIATIVE 3A REFERRED BY THE SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION SEEKING VOTER APPROVAL FOR A .82% SALES TAX INCREASE, A 1.25% LODGING TAX INCREASE, AND A 1.336 MILL LEVY INCREASE FOR THE PURPOSE OF FUNDING REGIONAL TRANSPORTATION

RESOLUTION 2024-42

WHEREAS, in accordance with the Taxpayer's Bill of Rights, Article X, Section 20 of the Colorado Constitution ("TABOR"), governmental entities are required to seek advance voter approval for any new tax or tax increase it seeks to impose; and

WHEREAS, the Board of Directors of the San Miguel Authority for Regional Transportation (SMART) referred Initiative 3A to be placed on the ballot for the November 5, 2024 coordinated election, seeking voter approval to impose a sales tax rate increase of .82%, a lodging tax increase of 1.25%, and a mill levy increase of 1.336 mills within the SMART taxing district for the purpose of funding gondola operations and maintenance and regional bus services; and

WHEREAS, the gondola is a critical piece of our public transportation system, providing reliable and free transportation between the towns of Telluride and Mountain Village; and

WHEREAS, the gondola helps create and sustain jobs to support local workers within the community, reduces traffic between Telluride and Mountain Village, alleviates parking issues for local residents, is crucial in reducing our region's carbon footprint and fighting climate change by cutting down on greenhouse gas emissions; and

WHEREAS, Initiative 3A will make sure that the gondola continues to operate past the year 2027 as a free public transportation service between Telluride and Mountain Village; and

WHEREAS, Initiative 3A creates an equitable new funding source spread over different user groups to keep the gondola running and create a capital reserve for building a new gondola.

WHEREAS, Initiative 3A also supports expanding SMART bus services throughout the SMART district.

WHEREAS, the revenues generated from the increases would be subject to oversight by the SMART Board of Directors and standard independent annual financial audits; and

WHEREAS, local elected officials and staff have engaged with residents extensively about the community's priorities regarding the need to find a long-term funding source for the gondola and expand regional transportation options; and

WHEREAS, a survey of residents shows that ensuring that the gondola continues to operate in the future is one of the top regional priorities; and

WHEREAS, residents and business leaders from throughout the community have spoken about the importance of ensuring a viable future of free gondola service as it is recognized as one of the elements that makes the east end of San Miguel County an attractive community in which to live, work and recreate; and

NOW THEREFORE, BE IT RESOLVED that the San Miguel County Board of Commissioners hereby supports a "Yes" vote on the SMART Initiative 3A and urges all registered electors of San Miguel County to vote in favor of the proposed .82% sales tax, 1.25% lodging tax, and 1.336 mill levy increases to pay for vital regional transportation services including the gondola and regional bus services.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Norwood, Colorado, on September 18, 2024.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

Lance Waring

Lance Waring, Chair

ATTEST:



Carmen Warfield

Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:

Anne Brown	x	Aye	Nay	Abstain	Absent
Kris Holstrom	x	Aye	Nay	Abstain	Absent
Lance Waring	x	Aye	Nay	Abstain	Absent

15.6.
ATT VII

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING**

09/18/2024

Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the 09/18/2024

Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

Amy Markwell

Amy Markwell, County Attorney

I, Lance Waring, Chair of the San Miguel County Board of
Commissioners attest that the 09/18/2024

Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

Lance Waring

Chair