

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

November 18, 2021

On-line Meeting

Present: Lee Taylor, Chair
M.J. Schillaci, Secretary
Ian Bald, Member
Josselin Lifton-Zoline, Member
Matthew Bayma, Sr. Alternate
Tobin Brown, Jr. Alternate

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner
Troy Hangen, Senior Planner

County Staff Present: Ryan Righetti, Road & Bridge Superintendent
Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office

9:00 a.m. Chair called the meeting to order.

ELECTION OF OFFICERS: Lee Taylor started the meeting with the election of officers as the position of Vice-Chair needed to be filled due to Pam Hall's resignation.

MOTION by Lee Taylor to nominate Josselin Lifton-Zoline for the position of Vice-Chair.
SECONDED by Toby Brown. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	<u>Abstain</u>	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

APPROVAL OF MINUTES:

MOTION by Toby Brown to approve the August 19, 2021 minutes.
SECONDED by Matt Bayma. **VOTE PASSED 6-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

MOTION by MJ Schillaci to approve the October 14, 2021 minutes as presented.
SECONDED by Josselin Lifton-Zoline **VOTE PASSED 6-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

**9:05 A.M. PUBLIC HEARING: CONTINUED REVIEW OF LAND USE APPLICATION
FROM OCTOBER 14, 2021**

Applicant: Ben Langenfeld, PG representing Skelton Inc. and United Companies

Location: (Parcel #429517300003) located south of Montrose County off CR 44Z N

Parcel Size: 25-acre

Zone District: Wright's Mesa (WM)

Proposal: Mining Special Use Permit for proposed expansion of the United Materials Norwood Gravel Pit

John Huebner, Senior Planner, presented and addressed the supplemental materials provided by the applicant and received from referral agencies and the public since the October 14, 2021 County Planning Commission (CPC) meeting. At that meeting the CPC requested that the applicant provide additional information for today's meeting regarding the following items: Colorado Parks and Wildlife suggestion of a habitat improvement project, hours of operation, permit status of existing Pit with Montrose County, water sources, status of air, water and reclamation permits of existing Pit, and additional screening for the office and scales.

Following the Oct 14 CPC meeting, the Applicant provided a supplement to the application dated November 10, 2021 to the Planning Department. The supplemental information was responsive to the questions and materials requested by the Planning Commission. Ben Langenfeld discussed the applicant's responses to the CPC's questions in his presentation.

First, the CPW does not have a habitat project that has been identified at the date of this report. The BLM is interested and a project in the Burn Canyon area was discussed. There are currently no surveys in this area. The places where a survey has been completed are where United could propose participating in a habitat project.

The hours of operation were amended to 7:00 am to 6:00 pm Monday-Friday with the Planning Director sign off required on any proposed temporary expansion of hours of operation. Any temporary extended hours would only be for publically funded projects.

It was confirmed that the Land Use Permit in Montrose County is in good standing. The current status of air, water, and reclamation permits were presented during the Power Point.

The water supply was address in the Wright's Water Engineer's report and it is determined to be adequate. The Commission asked for clarity on how the water gets to the site. It is through

irrigation ditches and an irrigation system. Water is a high cost and so they maximize recycling.

A generic landscape plan to screen the pit office and weigh station was also presented.

United Companies proposed to provide reports to San Miguel County as part of the initial one-year review after the start of operation in the Skelton Pit to include State Reports (CDRMS and CDPHE permits) and the results from a noise monitoring plan associated with the gravel crushing in the Skelton Pit. The applicant is requesting that the gravel crushing be allowed in the Skelton Pit and the noise analysis will demonstrate how that sound will travel and be absorbed. United feels the high wall will do the job of absorbing the noise. While the use of jake brakes cannot be completely eliminated due to safety, the drivers do sign an agreement with United to not use jake brakes excessively.

Ryan Righetti, SMC Road and Bridge asked that an agreement regarding road maintenance be completed prior to the Planning Commission approving the application. It was asked if approval would be contingent with an agreement with Road and Bridge when presented to the BOCC. There would need to be an agreement before they start working, but it would not have to be finalized to go before the BOCC.

The commission asked when the applicant anticipates commencing mining in the Skelton Pit. It is not anticipated within the next five years. The applicant estimated in ten or less years. If it does not occur within three years, the SUP would need to be extended per County LUC standards. Josselin questioned if it was unusual to approve something with a 30 year horizon. Kaye Simonson, Planning Director responded that 30 years is not unreasonable or unusual. The Land Use Code gives the BOCC authority to review an application if necessary. Ben added that the state regulatory agencies are always watching and checking in.

11:01 a.m. Public Comment Opened.

Jackson Ordeen, neighbor – stated continued concerns with drainage and mag chloride concerns, noise impacts, road damage from gravel truck use.

Madeline Gardner, Wright Mesa Coalition for life – reiterated points presented in their letter.

Peggy Smelt-Day, neighbor – expressed concerns with trees having a hard time growing. Feels there should be a moratorium on this expansion. Visual and sound impacts to her property.

11:07 a.m. Public Comment Closed.

Kaye Simonson responded that most of these items of concern have been discussed and mitigated.

The Commission asked why the application is being submitted right now and is the timing appropriate. John Huebner responded that it is about the applicant having a rational plan. The operator is being responsible to apply and not hurry an application.

Concerns with mag chloride seeping into wells was discussed. Ben responded that the chemical is caught up in surface water and does not percolate down. The site is far away from wells and outside the area of concern. The pit principally will use water for dust control.

Mary Ann Gaston, neighbor, asked to speak as she could not due to technical issues during public comment. She stated her concerns with the whole project. Dislike of the view of the office and scale house.

Planning Staff recommended that the Planning Commission recommend approval of the SUP to the Board of County Commissioners.

MOTION by Toby Brown to recommend approval to the Board of County Commissioners of a Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, #429513300013 the (“Property”), zoned Wright’s Mesa (WM) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations, and subject to the following specific terms and conditions;

General Conditions:

1. This Special Use Permit (SUP) is issued to the Applicant and also runs with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original application submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

3. The Special Use Permit shall only be valid as long as the applicant hold current State permits (CDPHE Air Quality Permit, CDPHE Storm water Discharge Permit, and CDRMS Mining and Reclamation Permit) relative to the approved use and complies with all state and county requirements and regulations at all times.
4. The applicant shall enter into a new agreement with San Miguel County Road and Bridge for the maintenance of County Road 44Z N, and/or apply for and secure hauling permit(s) from the county, prior to commencing mining activity.
5. The applicant shall enter into a new agreement with San Miguel County Road and Bridge facilitating its plan to mine to the property line adjacent to the San Miguel County gravel pit, prior to commencing activity.
6. The applicant shall submit a landscaping plan providing for the screening of the existing United Norwood Gravel Pit office/scales within sixty (60) days of approval.

7. The applicant is to submit to the Planning Department in a timely manner a copy of all plans and application submitted to, and permits issued by, the state, county or any other government agency required by this SUP.
8. The permitted hours of operation are Monday through Friday 7:00 am to 6:00 pm during daylight hours. In the event of an emergency request, the Planning Director may allow the mine to operate outside of the hours and days of 7:00am and 6:00 pm Monday through Friday for a limited period of time ***for publically funded projects***. Such a request is to be submitted to the Planning Director for review. The Director may require additional information for the analysis of such a request. The Director may approve. Approve with conditions, or deny such a request.
9. The following production activities: concrete mixing and hot mixed asphalt are prohibited at the Skelton Pit. Mining of sand and gravel rock, sand screening, road base, and washed rock is authorized on the site. Crushing of gravel shall only be permitted at the Skelton Pit site if it is not occurring at the Montrose pit.
10. The Applicant shall provide written notice to the Planning Department prior to the commencement of mining activities at the site.
11. Provide a list of onsite United Companies contacts for the Skelton Pit operation to the Planning Department, Sheriff's Office and Road and Bridge Departments.
12. This Special Use shall commence within three (3) years of this approval. If mining activity does not commence in that time frame, this Special Use approval shall be reviewed by the Board of Commissioners and the approval may be rescinded and terminated or extended, and may be subject to additional modifications or conditions.

Review Period:

13. There shall be an annual review after the first full calendar year of mining operations. Prior to this annual review by the Planning Commission, notice will be provided to the neighbors and individuals and review who received notice for this SUP application, prior to the scheduled public meeting so they may make their comments, questions or concerns know to the CPC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval, or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not.

14. ***The wildlife habitat improvement plan be submitted prior to work and be appropriate for scale of the impact.***

SECONDED By MJ Schillaci.

AMENDMENT By Josselin Lifton-Zoline for an additional condition #14. The wildlife habitat improvement plan be submitted prior to work and be appropriate for scale of the impact. ACCEPTED by Toby Brown and MJ Schillaci.

AMENDMENT By Matt Bayma to condition #8 that the applicant must make a request for a limited amount of time for public projects. ACCEPTED by Toby Brown and MJ Schillaci.

VOTE PASSED 4-1

Lee Taylor	<u>Aye</u>	<u>Nay</u>	Abstain	Absent
Ian Bald	<u>Aye</u>	<u>Nay</u>	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	<u>Nay</u>	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	<u>Nay</u>	Abstain	Absent
Matthew Bayma	<u>Aye</u>	<u>Nay</u>	Abstain	Absent
Tobin Brown	<u>Aye</u>	<u>Nay</u>	Abstain	Absent

12:11 p.m. Recessed.

12:21 p.m. Reconvened.

WORKSESSION:

Request: Staff discussion of SMC Affordable Housing Impact Mitigation Standards

The current impact mitigation fee process was discussed and a market affordability gap approach was proposed by Planning staff to calculate fees applicable to the San Miguel County affordable housing requirements. The revenue collected by these fees are used in Affordable Housing Projects. These fees would only apply to new construction and additions. The fees are only applicable to residential construction projects. Commercial projects are required to build actual affordable housing units.

WORKSESSION:

Request: Staff discussion of San Miguel County Master Plan amendment regarding housing

The commission discussed the joint work session with the BOCC, the upcoming joint meeting on December 8, 2021 to adopt the amendment, and if they were on the right track regarding ‘Community Housing’.

The results of the work session with the BOCC giving the following direction to staff:

1. Incentivize construction of deed restricted housing (ADU) as affordable housing impact mitigation on the site of the primary development, and require the units to be occupied.
2. Exempt the square footage of ADUs, if proposed to be deed restricted and occupied, from Employee Housing Impact Fee.
3. Propose a method (fee, penalty, cost disincentive) to required occupancy of vacant R-1 deed restricted ADUs
4. Illustrate various county scenarios (mitigation rates of 37, 50, 60 70%; Employee/Unit Subsidy of current 42,200/67,250 and proposed 62,500/100,000.
5. Illustrate comparison of payments of current County Residential Employee Housing Impact Fee vs the Town of Telluride Payment-in Liew Fee.

6. Research affordable Housing impact fee methods used by other entities and provide recommendation for a methodology to calculate fees to be assessed by County.

PLANNING COMMISSION AND STAFF COMMENTS

Lee Taylor is drafting a proclamation to thank Pam Hall at the December 9 meeting.

1:52 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2021.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

Planning Commission/PC Minutes 2021/ pc.11.18.minutes