SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA
THURSDAY, NOVEMBER 10, 2022 – 9:00 AM

333 W. Colorado Avenue, 2nd Floor

MEETING INFORMATION - This meeting will be available online. To join the meeting: http://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

1. 9:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

a. Approval of the October 13, 2022 minutes / MOTION
CPC Minutes 10.13.22 DRAFT.pdf

3. 9:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

a.

Applicant(s): Daniel Collins

Property owner: Collins-Morehead, LLC

Location: Deep Creek Road

Parcel(s): Lot 4, Deep Creek Placer; former mine; PIN# 456326400025

Zone District: (HC) Heavy Commercial

Proposal: Request for Special Use Permit to allow a Light Industrial, research, and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events with up to 200 persons to occur at former mine / MOTION

CPC Project Packet -Artisan, Public events SUPs 11.10.22.pdf
PREVIOUS CPC Packet Deep Creek Mine SUP 071422.pdf

4. EAST END MASTER PLAN

5. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designate posting place for all meeting notices will be online at https://www.sanmiguelcountyco.gov/liveagenda. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and

follow the prompts.

AGENDA ITEM 2.a

TITLE:
Approval of the October 13, 2022 minutes / MOTION

Presented by:
Time needed:

PREPARED BY:
John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Minutes 10.13.22 DRAFT.pdf

Description:

SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING

October 13, 2022

Online Meeting

Present:	Josselin Lifton-Zoline, Vice-Chair M.J. Schillaci, Secretary Ian Bald, Member Matthew Bayma, Member Tobin Brown, Sr. Alternate
Absent:	Lee Taylor, Chair
Planning Staff Present:	Kaye Simonson, Planning Director John Huebner, Senior Planner Troy Hangen, Senior Planner
County Staff Present:	Amy Markwell, County Attorney Nancy Hrupcin, Legal Assistant

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

APPROVAL OF MINUTES

MOTION by Toby Brown to approve the September 8, 2022 minutes as presented.
SECONDED by MJ Schillaci. **VOTE PASSED 5-0.**

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson updated the commission

- Senior Planner, Troy Hangen has resigned to relocate to Eagle. Planning is advertising to fill the position.
- There has been some pushback from the community regarding the Employee Housing Mitigation Fee. The BOCC is taking a second look to see if there could be improvements.

PUBLIC HEARING: LAND USE APPLICATION

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The Planning Commission at its July 14 meeting continued the Lot 4, Deep Creek Placer Special Use Permits applications Public Hearing with Applicant, Daniel Collins, Managing Partner, Collins-Morehead LLC to October 13, 2022. Mr. Collins recently requested that this item be rescheduled to November 10, 2022 to allow his team additional time to assemble the information and documentation requested by the Planning Commission, Planning staff, and referral agencies.

MOTION by Matt Bayma to continue the Public Hearing for Collins-Morehead LLC – Lot 4, Deep Creek Placer, Special Use application to the November 10, 2022, Planning Commission meeting.
SECONDED By Ian Bald. **VOTE PASSED 5-0**

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

TELLURIDE REGIONAL MASTER PLAN
There were 10 citizen applicants for the Advisory Group, which will have five Advisory Group meetings with Design Workshop. The Commission looked at all the applicants and chose five citizens to have a nice cross-representation of members from different areas of the county. The Advisory Group consists of five citizens, Planning Staff, two Planning Commissioners, and one representative from the BOCC, Commissioner Lance Waring.

MOTION by MJ Schillaci to appoint Mason Osgood, Amy Levek, Pam Bennett, Kari Distefano, and Molly Norton to the Advisory Group as they are a good geographic representation of the county.
SECONDED by Toby Brown **VOTE PASSED 5-0**

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

The Planning Department and Planning Commission had a general discussion of the Master Plan schedule and Community Engagement Plan. Kaye Simonson, Planning Director presented several logos and color schemes for the branding of the plan. The commission took a tally of preferences for input to give back to the Design Workshop. There was discussion regarding the translation of material, adding close captioning to the meetings, and upfront education regarding maps, zoning, etc. as part of the process. The San Miguel County website will have an information portal regarding the Master Plan. There will be several stages to the Master Plan

process; 1. Inform and Consult, 2. Engagement and Consult, 3. Inform and Empower. We are currently in the, 'inform and consult' stage of the plan.

10:10 A.M. Open to Public

Pam Bennett – Questions regarding the Telluride Region vs the R-1 School District boundary area. .

Scott Bennett – The plan should include all of R-1. Concerns that it is inadequate to look at just a portion.

Shellie DuPlan, Aldasoro HOC – Feels some areas are not represented, HOA's need to be included as stakeholders. Concerns with the arbitrary boundary line.

10:36 Closed Public Comment

Master Plan Discussion continued:
Once the East End Master Plan is concluded there will be further plans for the region. The Down Valley Plan is a priority, with concerns about water and wastewater.

Grace Franklin, Public Health Director presented the Social Determinants of Health (SDOH). The key concepts covered were building environment and smart growth models. She iterated that planning can influence mental health. She also covered access for people with mobility needs, tobacco-free areas and policies, housing insecurity, and aging in place.

10:43 A.M. Adjourned.

Respectfully Submitted,

_____
Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION

_____
M.J. Schillaci, Secretary

DRAFT

AGENDA ITEM 3.a

TITLE:

Applicant(s): Daniel Collins

Property owner: Collins-Morehead, LLC

Location: Deep Creek Road

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Zone District: (HC) Heavy Commercial

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Presented by:
Time needed:

PREPARED BY:
John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Project Packet -Artisan, Public events SUPs 11.10.22.pdf
PREVIOUS CPC Packet Deep Creek Mine SUP 071422.pdf

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine

Date: November 10, 2022 **Items in bold received after the July 14, 2022 meeting**

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 Planning Commission from John Huebner, Senior Planner dated November 10, 2022.**

4. **Draft Planning Commission Resolution #2022-04**.

5. **Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated October 13, 2022.**

6. **Minutes of the San Miguel County Planning Commission July 14, 2022 meeting.**

7. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 14, 2022.

8. Application submitted by Daniel Collins, Collins-Morehead LLC dated May 5, 2022 **and Supplemental documents dated October 26, 2022**.

9. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 21, 2022.

10. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on July 6, 2022.

11. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 29, 2022.

12. **Letter from John Huebner, Senior Planner, to Daniel Collins, Applicant, dated July 15, 2022.**

AGENCY COMMENTS

13. **Email and Memo from John Huebner, Senior Planner, to Review Agencies dated October 28, 2022.**

14. **Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated November 3, 2022.**

15. **Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated November 2, 2022.**

16. **Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated October 31, 2022.**

17. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June10, 2022.

18. Email received from Mike Bordogna, County Manager, to John Huebner, Senior Planner, dated June 20, 2022.

19. Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated June 21, 2022.

20. Email from Daniel Collins, Applicant, to Scott Heidergott, Telluride Fire Marshal dated June 29, 2022.

21. Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 27, 2022.

22. Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated June 28, 2022.

23. Letter received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated June 28, 2022.

24. Email received from Randee Reider, Colorado Division of Transportation, to Planning Department dated June 10, 2022.

25. Email received from Jennifer Dinsmore, County Sheriff's Office, to John Huebner, Senior Planner, dated June 29, 2022.

PUBLIC COMMENT

None received

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit applications to allow 1) Light Industrial, research and development facility for artisans and craftsmen, 2) Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine
DATE: November 10, 2022 (Continued from July 14, 2022)

Background

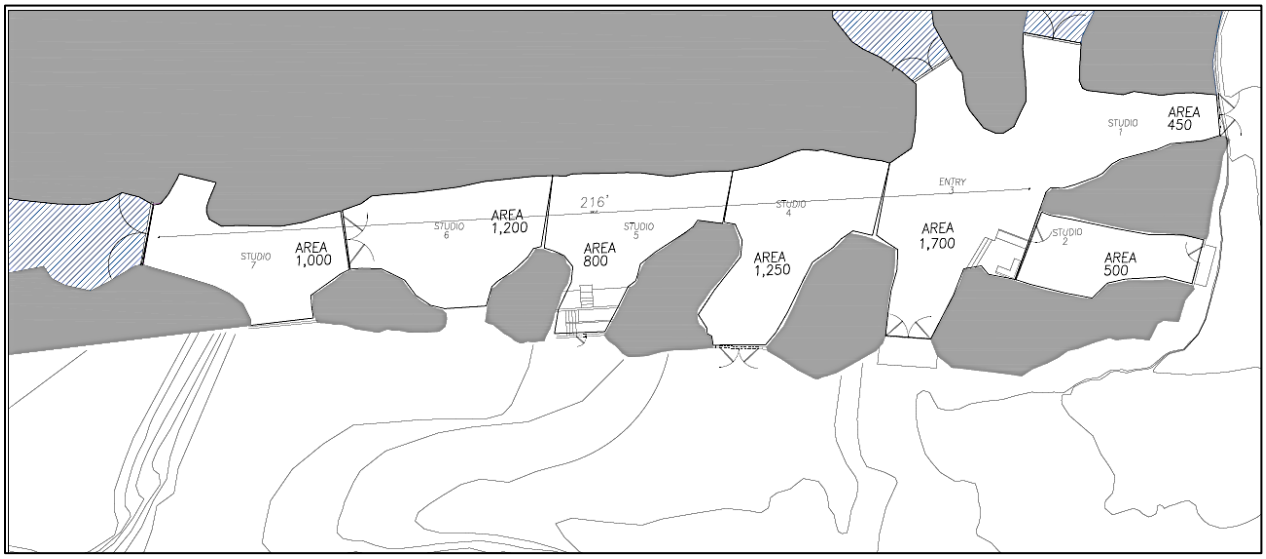
Today's public hearing for the proposed Special Uses at the Deep Creek Mine site was originally continued from the July 14 meeting in order for the Applicant to compile supplemental information responsive to the requests that were received from referral agencies, county staff and Planning Commission and enumerated in Planning letter to the Applicant dated July 15 and attached to this staff report.

Proposal

Dan Collins, Managing Partner, on behalf of Collins-Morehead LLC, (Applicant) provided supplemental materials and written narrative to Planning on October 26, 2022 to update its application for a Special Use Permit for a light industrial facility at the Deep Creek Mine for creative industrial and experimental activities; and for the hosting of up to six (6) special public events with fire displays limited to fewer than 200 persons at the site. The submission includes various limited engineering reports and recommendations concerning the structure (ground control) and ventilation in the mine facility prepared by B.K. Briggs & Associates, LLC.

The Applicant proposes limiting the location of uses to the 7,466 square feet of area identified in the "front" of the mine (Phase 1) next to the portals where the artisan studios are currently located. The seven (7) artisans and fabricators utilize this front area for their individual studio spaces. All regular occupants have completed a safety training workshop taught by qualified mining engineers. Access to the remainder of the mine will be controlled by permanently locked steel barricades and will be accessible only by authorized personnel. There is adequate parking on site for all of the regular occupants of the mine.

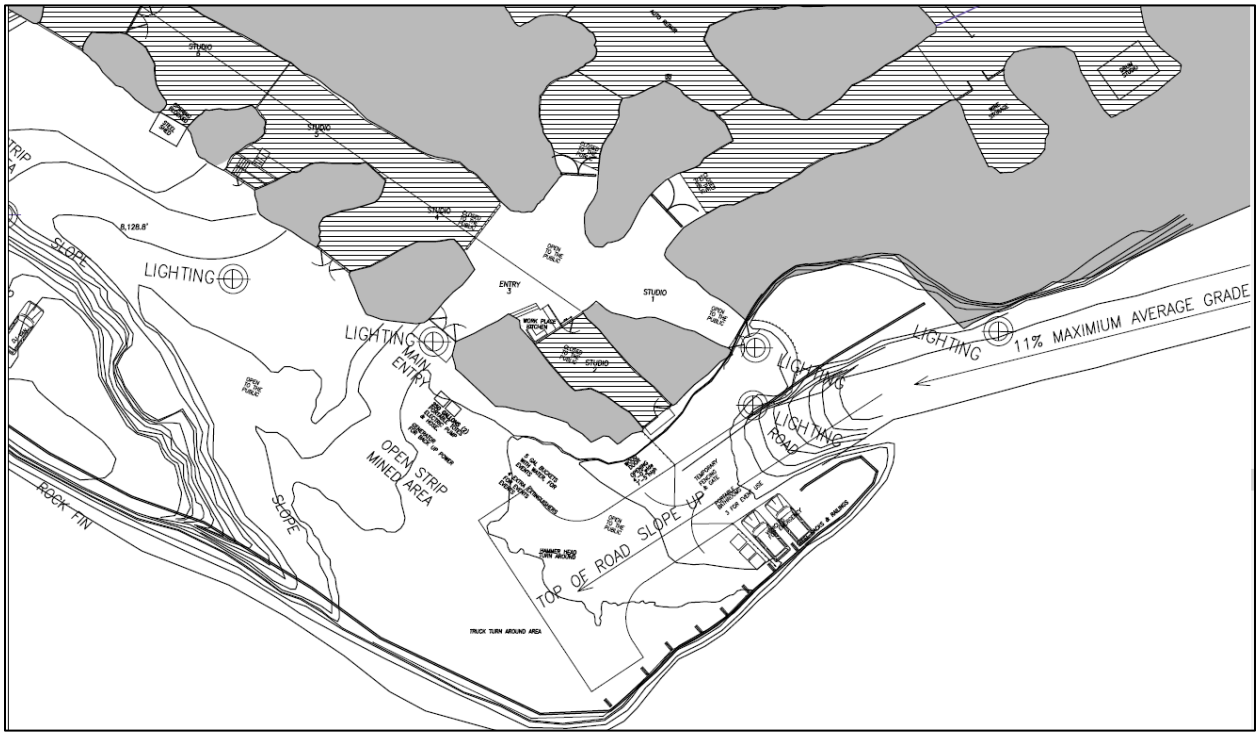
Artisan Facility Plan



Daily Parking Plan / "Hammerhead" Turnaround



Special Events Plan



Brian Briggs, P.E., Colorado mining engineer, was hired by the Applicant to complete a survey of the underground mine area and to develop a long-term plan to ensure the safe use of the facility. The structural integrity of the rock faces was studied. No apparent structural dangers were identified. The plan recommends safety protocols, systematic structural improvements in a phased approach over a number of years, and further inspections by qualified individuals. The current airflow for the mine provided by natural ventilation from the existing portals is normally adequate. The installation and use of a ventilation fan is planned to assist with air flow at certain temperatures.

The Applicant has met with Scott Heidergott, Telluride Fire Marshal; Matt Gonzales, County Building Official; and Planning staff, to address safety code and building code requirements concerning ventilation, fire hazards, and facility safety. Other referral comments received and those identified at the July 14 Planning Commission public hearing concerning the original SUP application are addressed in Addendum A of the supplemental application and comprises the Applicant's responses (*italics*).

1. Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.

   The Daily Parking plan shows the approved hammerhead turnaround at the top of Mine access road for emergency vehicles. The access road width, grade and side berm is sufficient for emergency vehicle access. Lighted exit signs at all of the primary exits and interior and exterior egress lighting will be installed. Applicant proposes adding a monitored alarm system sufficient to meet guidelines.

2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.

   The updated facility plans illustrate that the mine facility and proposed uses can meet various 2018 International Building Code (IBC) classification requirements regarding occupancy, egress, and building specifications. The proposed artisan facility is limited to the front zone of mine (7,466 sq. ft.). The Public Facility use is limited to the two (2) acre open strip mined area, aka "equipment apron" and Studio 1 and Main Entry areas underground. The remainder of the mine is proposed for limited storage uses. The occupants of the mine are required to undergo safety training program that utilizes on-site safety controls.

   Any SUP approval will need to be conditioned on the Applicant meeting all safety requirements of the Telluride Fire Protection District, and submitting Development Permit and Building Permit applications and being issued those respective permits from San Miguel County Planning and Building Departments and a subsequent Certificate of Occupancy issued by the County Building Official.

3. Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.

   The applicant has inquired to CDOT Access Manager if an updated access permit for Highway 145 is required by CDOT for the proposed public events and artisan uses at the mine facility. To date, no response has been received from CDOT.

4. Respond to other comments received from referral agencies.

   The applicant noted that Kelly Crane, District Wildlife Manager, Colorado Parks and Wildlife, states in her comments that the "events requested…will most likely have

minimal impacts on local wildlife species". She recommends that bear proof trash cans and dumpsters be used at all times on the Lot 4, Deep Creek Placer site.

5. Respond to comments and issues enumerated by the Planning Commission as follows:

A. Provide the DRMS release of reclamation report.

See supplemental application (Exhibit O). Applicant provided a letter from DRMS stating that a full application for "post mining use" has been successfully completed and approved. The official notice that Lot 4 has been released from DRMS oversight is dated October 11, 2021.

B. Submit the engineering report(s) for review.

See supplemental application (Exhibit I – Ground Control) (Exhibit J - Ventilation Plan). Per the letter provided by County Building Official, prior to issuance of a Certificate of Occupancy an engineering report that is professionally sealed must provide structural analysis that verifies that the Mine is suitable for occupancy.

C. Submit a copy of the electrical permit.

See supplemental application (Exhibit L1 and L2).

D. Provide a more detailed parking and transportation plan for the events.

See supplemental application (Exhibits E, G, Narrative item 15, bullet point 4). The applicant will mitigate any potential parking issues along Deep Creek Road during public events by providing commercial shuttle services for members of the general public to attend events at the Deep Creek Mine. These services would originate in the Town of Telluride and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.

E. Provide a plan for safety rails/fences along drop-offs to protect event attendees.

See supplemental application (Exhibit K).

F. Provide permanent and event exterior lighting plans.

See supplemental application (Exhibit G). The applicant has initiated lighting upgrades to the artisan work areas and work corridors. Portable lighting will be provided on the equipment apron and access drive as illustrated on the enclosed lighting plans.

G. Provide a copy of storage safety protocols that are provided to users.

See supplemental application (Exhibit P). The applicant states that commercial storage usage of mine has halted.

H. Provide a copy of safety rules and protocols for special events.

See supplemental application (Exhibit Q) (Narrative item 15). The applicant states that Special Events are designed, located, and proposed to be operated so that public health, safety and welfare are protected. The event design includes the following steps:

- All events are limited to less than 200 individuals.
- Appropriate safety procedures are reviewed by all DCM staff participants prior to each event and training is given as needed to all staff and participating members of the public. Protocols, developed in concert with Mining Engineer Brian Briggs (retained by Collins-Moorhead LLC, Summer/Fall 2022), include instructions in

the use of appropriate PPE, access and evacuation routes/procedures, air quality assessment, routine ground control inspection, and training in on-site fire/hazard mitigation.

- Control points for public access are established at the entrance to the property (via locked steel gate)
- To mitigate any potential parking issues along Deep Creek Road during public events, the recommendation from the County is to provide commercial shuttle services for members of the general public to attend events at the Deep Creek Mine. These services would originate in the Town of Telluride and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.
- For any event involving fire, notification of appropriate local authorities (e.g., Sheriff's department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force. Fire Marshal Scott Heidergott has been consulted and his recommendations have been addressed (see Addendum p. 13)
- PPE (personal protective equipment) as defined by OSHA (https://www.osha.gov/SLTC/personalprotectiveequipment/) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro- technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
- Appropriate portable lighting is provided along access road for pedestrian traffic.
- Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.
- First aid kits are provided at well -labeled stations around the site.
- Trained personnel are on site with certifications in CPR and basic first aid.
- Individuals on site have been trained in professional fire-fighting methods.
- Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all attendees.
- No individuals are allowed past clearly marked interior doors and gates within the mine proper.

Public Noticing
Per the requirements of LUC Section 3-9, the Public Notice and required sign posting on the subject property was completed by the Applicant on June 21, 2022 for the Planning Commission public hearing. The posting of the required sign was photographically documented. As required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 29, 2022 for the Planning Commission public hearing to be held on-line Thursday, July 14, 2022.

Planning Commission continued the Public Hearing to October 13, 2022, and subsequently continued it to November 10, 2022.

Referral Agents
The supplemental application was provided to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of

Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service for review and comment.

Referral Agency Comments (received since the July 14 CPC meeting)

Scott Heidergott, TFPD Fire Marshal, states that Telluride Fire Protection District supports approval of the Deep Creek Mine Special Use Permit application for Phase One activities only with the three (3) conditions that were discussed with applicant at the in-person meeting with the Fire Marshal on 10/17/22 and identified in comments.

1) Fire apparatus turn around at the top of the driveway
2) Monitored Fire alarm system
3) Ventilation shutoff connection to heat detection

Matt Gonzales, County Building Official, states the Applicant has demonstrated in its application for Special Use Permit for the Deep Creek Mine (DCM) it will be able to address the relevant building code and life safety necessary to meet the building permit application requirements for the mixed occupancy F-1 (Factory and Industrial), S-1 (Storage), and A-3 (Assembly) proposed for comprehensive development plan. He notes that building inspections by the County are required to verify compliance with the following code items:

- Requirement for fire suppression based on occupancy classification and square footage in coordination with Telluride Fire Protection District;
- Accessibility;
- Maximum travel distance as it pertains to egress;
- Egress lighting;
- Egress signage;
- Ventilation rates according to occupancy classification and occupant load;
- Bathroom facilities dependent on occupant load;

Prior to issuance of a Certificate of Occupancy, a qualified professional engineer shall provide verification that the DCM is suitable for occupancy through ample structural analysis and professionally sealed documents.

Gregory Powers, CDWR Well Commissioner, in October 31 email reiterated that the water well associated with this parcel is a commercial well and that the uses proposed conform to those permitted.

Public Comments
As of the writing of this report, no public comments have been received.

Review Standards and Policies

Land Use Code Section 5-308 B. III. & IV. and Section 5-10 Special Uses establishes the review standards for Uses Allowed Subject to One-step Planning Commission Approval for a Light industrial, research and development facilities special use permit and for a Public facilities special use permit. Applicant notes are underlined. *Staff analysis is in italics.*

5-308 HEAVY COMMERCIAL (HC)

5-308 B. Uses Allowed Subject to One-step Planning Commission Approval

III. Light industrial, research and development facilities;

IV. Public facilities (excluding those allowed in the F Zone District);

5-308 C. Area and Bulk Requirements

II. For multiple uses:

a. 2 acre minimum lot size
b. 200 ft. minimum lot width
c. 50 ft. setbacks all sides
d. 35 ft. height limit

5-308 D. Minimum Off-street Parking Off-street parking shall be provided for each principal use as required in Section 5-702.

There is adequate parking for the proposed daily uses by local artisans and fabricators and for proposed storage use. There is not adequate parking located on site for the public events. Overflow parking has occurred on County Road 62L, Deep Creek Road, which is narrow and cannot support on road parking. During the approximately six annual special events in which larger groups are on site, transportation will be provided by commercial/limo services, thereby avoiding parking along Deep Creek Road.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

5-1002 A. Consistency with Master Plan, Land Use Polices, Zone District and neighborhood

The Use shall be:

I. Consistent with the County Master Plan;

II. Consistent with County Land Use Policies in Article 2;

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;

V. Necessary for public convenience at the proposed location; and

VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

The applicant states the proposed uses will serve the local community and provide a "protected space" for a range of creative industrial and experimental activities.

With respect to impacts on surrounding areas, all proposed special uses are consistent and compatible with the neighborhood character and land uses adjacent to the parcel. The state and county road maintenance shops across the highway have been in continuous use, including during active mining operations that occurred until 1995 on the subject property, and during reclamation and rezoning of the property to Heavy Commercial in 2017. The property is unique, and provides facilities not found elsewhere in the county. Primary concerns for public health, safety and welfare that are related to fire safety and suppression, and emergency egress have been addressed in the supplemental application documents provided by the applicant as requested.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

The activities are appropriate to the Heavy Commercial zone because of associated noise/smells relative to the processes such as metal fabrication (e.g. portable grinders, drills, and saws), cultural events (outdoor music) and operation of diesel equipment.

Temporary sanitary facilities will be provided for events. However, the site can only handle limited parking, and County Road 62L/Deep Creek Road is not suited to parking. Transit services for the benefit of the public at special events will be provided. The ventilation of the mine facility will be improved by use of fan and temporary closing of various portals as required.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical,

drainage system and schools.

We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours.

Water is transported to the site from Telluride and stored on site for use. Portable toilets and handwashing stations are required to be provided for special events and daily uses. ADA-accessible units may be required for the special events. The Telluride Fire Protection District supports approval of the Special Use Permit application with the conditions discussed at the in-person meeting on 10/17/22 with the applicant and county staff.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

I. A Site plan including:

a. Ownership, Use and zoning of all adjacent Parcels;
b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
c. Recorded and apparent easements;
d. Location and dimensions of Structures and Signs;
e. Typical elevations/Heights of such Buildings;
f. Landscaping;
g. Topography;
h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and
i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;

Anton Viditz-Ward manages a collective of 7 artisans and fabricators who work at the mine. They could be on site any day, at any hour.

II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;

Initial upgrades to the interior work corridor have been completed, upgrades are ongoing for the circulation corridors. Portable lighting will be provided as needed to ensure safety to events.

Any exterior event lighting should be placed so as to not create glare, especially as seen from the highway.

III. Signs - all Signs must meet Section 5-704 standards;

Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use 2) Safety Notices at entrance and inside of mine stipulating use of hard hats, egress, and other safety considerations (per Exhibit J to application).

IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;

All water/sewer requirements will be satisfied with portable water storage and sanitary units.

Well Permit number 16536-F, is a commercial well, and may provide water for the proposed events. The applicant could utilize a cistern to store water from the well onsite.

V. Drainage plan;

Drainage outflow location identified by applicant (per Exhibit G to application).

VI. Grading plan;

VII. Dust control plan;

The regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants.

VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

IX. Weed control plan that must include use of weed free hay or straw;

All available land will be utilized for proposed activities. The applicant will continue efforts to mechanically control noxious weeds as identified by SMC.

X. Wildlife Plan (see Section 5-407 A. XII.); and

Applicant state there is no overlap with CPW mapped wildlife habitat area.

Staff has included a Wildlife Map with this memorandum. Subject property is within Mule Deer and Elk Winter Range and Elk Severe Winter Range as mapped by Colorado Parks and Wildlife. Given the nature of the use, elk & deer are not typically around the mine.

Exhibits include a Vicinity Map, a Site Plan, a Plat Map, Drainage Map, Parking Plans, Occupancy and Usage Plan, Lighting Plan, Egress and Alarm Plan, Ground Control Report, Ventilation Report, Fencing and Rail Plan, Electrical Plan, Special Events Safety Rules and Protocols, that generally address the above items.

The written report demonstrates that the proposed special uses application complies with the applicable substantive review standards in Land Use Sections 5-308 Heavy Commercial, and 5-10 Special Uses.

XI. Additional permits as necessary from other agencies.

A Development Permit is required from the Planning Department in addition to approval of the Special Use Permit application by the reviewing body. The Building Official states that a building permit and corresponding Certificate of Occupancy is required for the proposed special uses to assure compliance with building code requirements.

5-1002 F. Review of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit for the approved Special Use and/or commenced the approved use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development Permits for an approved Special Use shall not be issued following the expiration of the three (3) year period, prior to the required Public Hearing.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-1002 F. I. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-1005 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall

be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
b. Fence is limited to 42: in height;
c. At least 12" between the top two wires or rails;
d. At least 16" between the bottom wire or rail and the ground;
e. Posts at minimum 16' intervals;
f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400'; and in swales and at stream crossing for easy wildlife passage.
i. Perimeter fencing of an entire parcel is discouraged.
j. As an exception to "wildlife friendly fencing" dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county's revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW "Fencing with Wildlife in Mind" guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.

II. Development shall be restricted to areas in which wildlife impacts can be minimized.

III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting

of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Colorado Parks and Wildlife (CPW) commented that the use of fencing should be minimized and that bear proof trash cans and dumpster should be used on the property. There is no prohibition on events or special uses requested by CPW.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;

5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;

5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;

5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;

5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;

5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and

5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

The property is more than 100 feet from the highway, outside of the scenic overlay zone. Applicant has provide an exterior lighting plan.

Sample Motion:
I move to recommend approval of a Special Use Permit (SUP) for Light Industrial, research and development facility for artisans and craftsmen, and Public Facilities to allow special cultural events to Collins-Morehead LLC for Lot 4, Deep Creek Placer Subdivision the ("Property'), zoned Heavy Commercial (HC) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-308 B. III Light industrial, research and development facilities, and IV Public facilities, Uses allowed subject to One-step Planning Commission Approval; Section 5-10, Special Uses, Section 5-407, Wildlife Habitat Areas , and Section 5-21 Scenic Quality, and subject to the following conditions:

1. This Special Use Permit (SUP) is issued to the Applicant, Collins-Morehead LLC, and does not run with the Land.

2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, and are deemed to be conditions of approval, except to the extent modified by this Motion.

3. The use of the underground mine shall be limited to the areas shown on the site plan. There shall be no further development and use without County Planning approval.

4. This SUP Approval does not include commercial storage use in the mine facility.

5. Obtain all necessary inspections for the Light Industrial Facility and Public Facility. Prior to commencing the approved uses of the underground mine the Applicant must submit a Development Permit application and be issued a Development Permit by the Planning Department; and must submit a Building Permit application with a complete set of engineer stamped plans to the Building Department, and be issued Building Permit and issued a Certificate of Occupancy.

6. All applicable conditions required by the Telluride Fire Protection District Fire Marshal, regarding these special uses shall be completed.

7. A Special Events safety plan shall be finalized and signed off by the Telluride Fire Protection District Fire Marshal.

8. Commercial shuttle services will be provided for members of the general public to attend events at the Deep Creek Mine. These services will originate in the Towns of Telluride and Mountain Village and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.

9. The use of bear-proof trash cans and dumpsters shall be utilized on the property.

10. There shall be an annual review one (1) year after the date of approval of this SUP (November 2023). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING A SPECIAL USE PERMIT FOR A
LIGHT INDUSTRIAL AND PUBLIC FACILITY FOR
COLLINS-MOREHEAD, LLC, HEAVY COMMERCIAL (HC) ZONE DISTRICT**

Resolution 2022-04

WHEREAS, Collins-Morehead LLC hereafter "Applicant", is the owner of a 46.79-acre parcel (PIN # 456326400028), hereafter "Property," in the Heavy Commercial Zone District, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, the Applicant has submitted an application for a Special Use Permit for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine ("Application") at the Property, in accordance with San Miguel County Land Use Code Section 5-308 Heavy Commercial (HC) zone district; and

WHEREAS, Applicant is seeking to establish an Light Industrial Facility and Public Facility as shown on Exhibit B, Site Plan; and

WHEREAS, the Application was referred to the County Attorney, County Building Official, County Manager, County Road and Bridge Director, County Natural Resources Director, County Sheriff, County Site Inspector, County Environmental Health Department; Telluride Fire Protection District, Colorado Division of Reclamation and Mining Safety, Colorado Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of Transportation, US Bureau of Land Management, and US Forest Service for review and comment; and

WHEREAS, on or about June 21, 2022, the Applicant sent Notice of the application and the CPC Public Hearing to be held on Thursday, July 14, 2022 to all property owners within 500 feet of the subject parcel, and on or about June 21, 2022 a sign was posted on the property noticing the proposed use and the CPC Public Hearing to be held on July 14, 2022; and

WHEREAS, a Public Hearing Notice for the proposed Special Use Permit and the County Planning Commission meeting to be held on July 14, 2022 was published in the Norwood Post and the Telluride Daily Planet on June 29, 2022; and

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

WHEREAS, the Planning Commission of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in person and on-line on Thursday, July 14, 2022 and continued to November 10, 2022.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission of San Miguel County, Colorado, approves a Special Use Permit (SUP) for Light Industrial, research

and development facility for artisans and craftsmen, and Public Facilities to allow special cultural events, to Collins-Morehead LLC for Lot 4, Deep Creek Placer Subdivision the, zoned Heavy Commercial (HC) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-308 B. III Light industrial, research and development facilities, and IV Public facilities, Uses allowed subject to One-step Planning Commission Approval; Section 5-10, Special Uses, Section 5-407, Wildlife Habitat Areas , and Section 5-21 Scenic Quality, and subject to the following conditions:

1. This Special Use Permit (SUP) is issued to the Applicant, Collins-Morehead LLC, and does not run with the Land.

2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, and are deemed to be conditions of approval, except to the extent modified by this Motion.

3. The use of the underground mine shall be limited to the areas shown on the site plan. There shall be no further development and use without County Planning approval.

4. This SUP Approval does not include commercial storage use in the mine facility.

5. Obtain all necessary inspections for the Light Industrial and Public Facilities. Prior to commencing the approved uses of the underground mine the Applicant must submit a Development Permit application and be issued a Development Permit by the Planning Department; and must submit a Building Permit application with a complete set of engineer stamped plans to the Building Department, and be issued Building Permit and issued a Certificate of Occupancy.

6. All applicable conditions required by the Telluride Fire Protection District Fire Marshal, regarding these special uses shall be completed.

7. A Special Events safety plan shall be finalized and signed off by the Telluride Fire Protection District Fire Marshal.

8. Commercial shuttle services will be provided for members of the general public to attend events at the Deep Creek Mine. These services will originate in the Towns of Telluride and Mountain Village and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.

9. The use of bear-proof trash cans and dumpsters shall be utilized on the property.

10. There shall be an annual review one (1) year after the date of approval of this SUP (November 2023). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

BE IT FINALLY RESOLVED that all written representations of the applicant in the

original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on November 10, 2022.

SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION

By:_____
Lee Taylor, Chair

Vote:					
	Lee Taylor	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT “A” Legal Description

EXHIBIT “B” Site Plan

EXHIBIT “C” Public Hearing Record

EXHIBIT A

LEGAL DESCRIPTION
COLLINS-MOREHEAD LLC
PARCEL NO. 456326400028

A PORTION OF SECTIONS 25 AND 26, TOWNSHIP 43 NORTH, RANGE 10 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL B DEEP CREEK PLACER NO. 16025 ACC TO MAP REC 07 06 98 IN PLAT BK 1 PG 2397 (PARCEL LOCATE 43N R10W) LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG 4931-4932 46.79 AC

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

EXHIBIT B
SITE PLAN

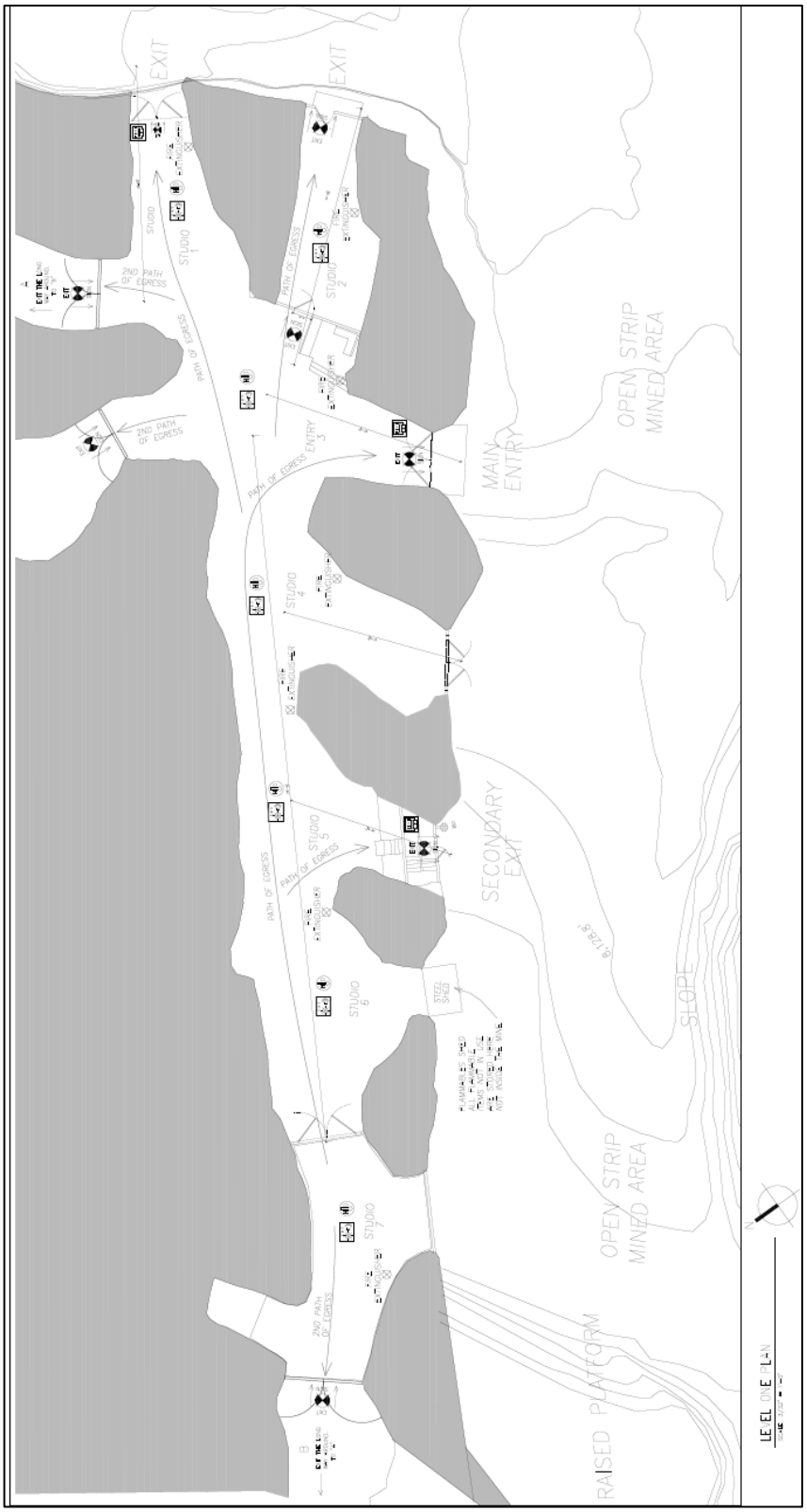


EXHIBIT C

Public Hearing Record
County Planning Commission
Application: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine
Date: November 10, 2022 **Items in bold received after the July 14, 2022 meeting**

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 Planning Commission from John Huebner, Senior Planner dated November 10, 2022.**

4. **Draft Planning Commission Resolution #2022-04**.

5. **Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated October 13, 2022.**

6. **Minutes of the San Miguel County Planning Commission July 14, 2022 meeting.**

7. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 14, 2022.

8. Application submitted by Daniel Collins, Collins-Morehead LLC dated May 5, 2022 **and Supplemental documents dated October 26, 2022**.

9. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 21, 2022.

10. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on July 6, 2022.

11. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 29, 2022.

12. **Letter from John Huebner, Senior Planner, to Daniel Collins, Applicant, dated July 15, 2022.**

AGENCY COMMENTS

13. **Email and Memo from John Huebner, Senior Planner, to Review Agencies dated October 28, 2022.**

14. **Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated November 3, 2022.**

15. **Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated November 2, 2022.**

16. **Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated October 31, 2022.**

17. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June10, 2022.

18. Email received from Mike Bordogna, County Manager, to John Huebner, Senior Planner, dated June 20, 2022.

19. Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated June 21, 2022.

20. Email from Daniel Collins, Applicant, to Scott Heidergott, Telluride Fire Marshal dated June 29, 2022.

21. Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 27, 2022.

22. Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated June 28, 2022.

23. Letter received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated June 28, 2022.

24. Email received from Randee Reider, Colorado Division of Transportation, to Planning Department dated June 10, 2022.

25. Email received from Jennifer Dinsmore, County Sheriff's Office, to John Huebner, Senior Planner, dated June 29, 2022.

PUBLIC COMMENT

None received

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine
DATE: October 13, 2022

["Z:\Applications\2022_Deep Creek Mine_SUP\1 Staff Memo(s) and Resolution(s)\CPC Project Report -Artisan, Public events SUPs 10.13.22.docx"\]

The Planning Commission at its July 14 meeting continued the Lot 4, Deep Creek Placer Special Use Permits applications Public Hearing with Applicant, Daniel Collins, Managing Partner, Collins-Morehead LLC to October 13. Dan recently requested that this item be rescheduled to November 10 to allow his team additional time to assemble the information and documentation requested by the Planning Commission, Planning staff and referral agencies.

Attached:

1) Email request received from Daniel Collins, Applicant, to Planning staff dated September 28, 2022 to reschedule Planning Commission public hearing to November 10, 2022.

2) Letter to Dan Collins, Applicant, from Planning staff dated July 14, 2022 documenting the continuance of CPC Public Hearing to October 13, 2022.

Sample Motion: I move to continue the Public Hearing for Collins-Morehead LLC – Lot 4, Deep Creek Placer; Special Use application to the November 10, 2022 Planning Commission meeting.

John Huebner <johnh@sanmiguelcountyco.gov>

phone call with Dan Collins

1 message

Daniel Collins <dan.collins@asu.edu> Wed, Sep 28, 2022 at 4:05 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>
Cc: Laurie Lundquist <willcoart@gmail.com>

Hi John: No need to call. I'm sure you've got a lot going on in the wake of the BOCC meeting. At this point, all I want to ensure is that we can defer our session with the Planning Commission until November 10. We will work towards getting you the packet two weeks before on October 27.

I'm going to be away from the phone for the rest of the day.

Cheers.

Dan

From: John Huebner <johnh@sanmiguelcountyco.gov>
Sent: Wednesday, September 28, 2022 2:41 PM
To: Daniel Collins <dan.collins@asu.edu>
Subject: Re: ADDITIONAL QUESTIONS: Continuance of Planning Commission Public Hearing: Lot 4, Deep Creek Placer Special Use Permits applications

Daniel,

I am currently in a BOCC meeting. Hopefully in 15 minutes.

John Huebner

Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov

2) I have in my notes that we are to provide a review of relevant codes related to our SUP application. Would you clarify exactly what we are to provide?

Thanks,

Dan

Dan.collins@asu.edu

970-728-5266

From: Daniel Collins
Sent: Tuesday, September 27, 2022 8:03 AM
To: John Huebner <johnh@sanmiguelcountyco.gov>
Cc: Anton Viditz-Ward <antonviditzward@gmail.com>; Laurie Lundquist <laurie@laurielundquist.com>; Kaye Simonson <kayes@sanmiguelcountyco.gov>
Subject: RE: Continuance of Planning Commission Public Hearing: Lot 4, Deep Creek Placer Special Use Permits applications

Hi John: We will have a compilation of the requested information and documents requested by the Planning Commission to your office by the afternoon of Sept. 29.

We have been in the process of assembling these materials over the past several days. Please remind us of any special requirements for formatting the submittal.

Best regards,

Dan

From: John Huebner <johnh@sanmiguelcountyco.gov>
Sent: Wednesday, September 21, 2022 2:45 PM
To: Daniel Collins <dan.collins@asu.edu>
Cc: Anton Viditz-Ward <antonviditzward@gmail.com>; Laurie Lundquist <laurie@laurielundquist.com>; Kaye Simonson <kayes@sanmiguelcountyco.gov>
Subject: Re: Continuance of Planning Commission Public Hearing: Lot 4, Deep Creek Placer Special Use Permits applications

Hi Daniel,

I am circling back to check on the status of compiling the requested information and documents requested by the Planning Commission. We are fast approaching September 29 the date set for the county to receive this information. Best regards,

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

July 14, 2022

Dan Collins, Managing Partner
by email: dan.collins@asu.edu
Collins-Morehead LLC
1417 S Grandview Dr
Tempe, AZ 85281

Re: Continuance of Planning Commission Public Hearing: Lot 4, Deep Creek Placer Special Use Permits applications

Dan,

The purpose of this correspondence is to provide you with documentation of the continuance by the Planning Commission of today's public hearing regarding the application submitted by Collins-Morehead LLC (Applicant), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028.

The public hearing for Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permits application was continued to **Thursday, October 13, 2022**. As discussed in the meeting the Applicant will provide the information and documentation requested by the referral agencies, county staff and Planning Commission to the Planning Department by September 29, 2022 as follows:

1. Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
3. Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.
4. Respond to other comments received from referral agencies.
5. Respond to comments and issues enumerated by the Planning Commission as follows:
   A. Provide the DRMS release of reclamation report.
   B. Submit the engineering report for review.
   C. Submit a copy of the electrical permit.
   D. Provide a more detailed parking and transportation plan for the events.

E. Provide a plan for safety rails/fences along drop-offs to protect event attendees.

F. Provide permanent and event exterior lighting plans.

G. Provide a copy of storage safety protocols that are provided to users.

H. Provide a copy of safety rules and protocols for special events.

Additional information may be required after further review by the referral agencies and County staff. The Planning Commission may also require more materials or information to be supplied by you as the applicant during the public review process. The County may send the application to the County Engineer for review. The applicant will be responsible for reimbursing the Planning Department for payment of any professional review fees, both the initial submittal and any subsequent reviews.

The public hearing regarding the application for special use permits at the former mine, contingent upon the receipt of the necessary information and documentation requested above by September 29, 2022, has been scheduled by the Planning Commission at its October 13, 2022 meeting in Telluride, to be held on-line, but at which you may appear in person.

If the Applicant does not submit the documents and supplemental information in a timely manner as requested, the hearing will be rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,

John Huebner

John Huebner
Senior Planner

Cc: Laurie Lundquist, by email: laurie@laurielundquist.com
Anton Viditz-Ward, by email: antonviditzward@gmail.com

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SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING

July 14, 2022

Online Meeting

Present:	Lee Taylor, Chair Josselin Lifton-Zoline, Vice-Chair M.J. Schillaci, Secretary Ian Bald, Member Matthew Bayma, Member
Absent:	Tobin Brown, Sr. Alternate
Planning Staff Present:	Kaye Simonson, Planning Director John Huebner, Senior Planner
County Staff Present:	Amy Markwell, County Attorney Nancy Hrupcin, Legal Assistant, County Attorney's Office

9:00 a.m. Site Visit: SUPs for Artisans, Cultural Events at Lot 4, DCP former mine, CR 62L.

10:19 a.m. Chair called the meeting to order.

10:00 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant:	Daniel Collins
Property Owner:	Collins-Morehead, LLC
Location:	Deep Creek Road
Parcel(s):	Lot 4, Deep Creek Placer, former mine; PIN#456326400025
Zone District:	(HC) Heavy Commercial
Proposal:	Request for Special Use Permit to allow a Light Industrial, research and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events with up to 200 people to occur at the former mine.

Those who addressed the commission:
Anton Viditz-Ward, Manager – Deep Creek Experimental, Applicant representative
Daniel Collins, Managing Partner, Collins-Morehead LLC, Applicant
Laurie Lundquist-Collins, Collins-Morehead LLC, Applicant

Lee Taylor stated that he knows the applicant; Josselin Lifton-Zoline stated that she knows the applicant through the Telluride Institute; and, Ian Bald stated that he is friends with Dan and Laurie. They stated that they have no financial interest in the project, and that their relationships with the applicant will not affect their judgment regarding this application.

John Huebner, Senior Planner, presented the Planning staff report included in the packet materials. Dan Collins, Managing Partner, Collins-Morehead LLC, submitted an application, received May 25, 2022, seeking a Special Use Permit for light industrial, research and development facilities for artisans, craftsmen, and for various "cultural events" for the public at their former limestone mine, a 47-acre property, zoned Heavy Commercial (HC). The property is located 7 miles west of the Town of Telluride on the north side of Hwy 145 off County Road 62L, Deep Creek Road.

The subject property is located across State Highway 145 from both the San Miguel County Road and Bridge and the Colorado Department of Transportation maintenance shops. The residential properties adjacent to the mine property are owned by the Collins and Morehead families of Collins-Morehead LLC, which is the applicant.

The former mining facility contains approximately 65,000 square feet of tunneled interior space. These underground areas have an average ceiling height of 20 feet and are lit overhead with dirt and rock surfaces underfoot.

The applicant proposes a variety of light industrial uses, including welding and industrial fabrication, equipment maintenance, storage, industrial design, and fine art production within the former mining facility. This workspace is used by local artisans and craftspeople engaged in activities that cannot be conducted elsewhere within the Telluride Region. Anton Viditz-Ward manages a collective of seven fabricators and artisans who work at the mine. There are also 15 storage spaces, which the renters access infrequently.

There is an outdoor event space proposed on the equipment apron to host cultural activities involving up to 199 persons.

The eight proposed cultural events per year occur in the fall, winter, and spring, in conjunction with Telluride Arts, Mountain Film, Deep Creek Experimental, and the Telluride Institute. These events include the burning of wood sculptures, mechanical fire sculptures, an altar, light art, live music, and a DJ. There is parking onsite with overflow parking proposed on Deep Creek Road (CR 62L).

The applicant has stated that the subject property is an appropriate location, "given the character of the proposed activities" (e.g. cultural events and art displays) in addition to the special events. Primary concerns are for public health and safety primarily related to fire safety and suppression and emergency egress.

The applicant noted that they are working with the State Electrical Inspector to obtain permits and approval for the electrical system. Regarding the development of a fire protection plan and adequacy of ventilation, the applicant will review that plan with Scott Heidergott, the Fire Marshal, to determine what his requirements will be. It is their understanding that they will no longer be working with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety as that relationship was concluded when they satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the

bond. The applicant will also work with Matt Gonzales, Building Official, to determine if there are any Building Code compliance issues.

Public Notice for today's meeting and this application was published in the Telluride and Norwood newspapers, and notice mailed to adjacent property owners.

The application was referred to county officials and state and local agencies. Referral comments were received.

Mike Bordogna, County Manager, expressed concern with the interior storage of flammable materials such as gas tanks or welding tanks, and with hosting public events inside the facility.

Telluride Fire Protection District Fire Marshal Scott Heidergott provided preliminary comments. He discussed with Planning staff that a standpipe system, which is a series of pipes that connect a water supply from a fire department water supply vehicle to hose connections at the mine entrance, could be provided in lieu of providing a fire apparatus turnaround on the "equipment apron" and/or providing a fire suppression system on site. A monitored alarm notification system for smoke, heat and carbon monoxide shall be installed in the occupied area of the mining facility. Egress signage throughout the mining facility must be inspected on completion. A fire lane shall be maintained from CR 62L to the mine parking area. Also, no fire events are to be conducted in the interior of the mining facility.

Gregory Powers, CDWR Well Commissioner, confirmed that the water well associated with this parcel is a commercial well and that the uses proposed are consistent with those permitted.

Matt Gonzales, SMC Building Official, stated that a building permit is required to verify code compliance for a new occupancy classification for the uses proposed in the application. Issues that will need to be addressed include emergency egress, ventilation rates, accessibility, fire suppression, and bathroom facilities. He recommends that the mining facility should not be occupied until a Certificate of Occupancy has been obtained.

Kelly Crane, CPW District Wildlife Manager, stated that the former Deep Creek Mine lies within the following CPW mapped wildlife ranges for black bear overall; elk, summer, winter, and severe winter; mountain lion overall; and mule deer summer and winter. She recommended that fences be used minimally and bear-proof trash cans and dumpsters be used at all times on site.

No public comments were received.

The Planning Commission asked where the water well is located, if there were safety fences on the equipment apron, and the condition of guardrails. Commission asked if there are any FAA concerns; there are none as the property is not in any critical airport zones. Matt Gonzales, Building Official stated that the mine and apron are a unique occupancy scenario, and discussed the applicant potentially reducing total square footage by permanently blocking portions of the mine. The Commission asked what the full scope of proposed uses are and what is required under the International Building Code. Matt relayed that he needs additional information, including a code analysis for all the items that need to be addressed. There was further discussion

of a parking plan being required and the issue of parking blocking the road, particularly for emergency access. Using shuttles to events was also discussed.

Amy Markwell, County Attorney added that the liability issues are her biggest concerns and would like to see the release of the reclamation liability issued by the Colorado Division of Reclamation and Mining Safety.

The applicant, Daniel Collins, shared that he spoke with the Fire Marshal about fire issues and a monitored smoke alert system. He has reached out to Peak/Superior Alarm for estimates and recommendations. Anton Viditz-Ward added that he has communicated with the fire department and sheriff on how to approach safety needs. They have been parking on one side of the road, added fire extinguishers, and added solar lighting along the access road for safety. The commission questioned the applicant on snow storage on site and having bear-proof trash containers. They further inquired about the storage usage. The materials stored are on pallets, with some clients never going into the mine. Anton brings the materials out with a skid steer. It was confirmed that the owners are carrying liability insurance, and discussed the organizations using the mine also be required to prove insurance coverage.

The commission discussed continuing the item to give the applicant time to provide the information and documentation requested. The applicant requested a minimum of 60 days to address the issues discussed and further requirements.

11:35 a.m. Chair opened Public Comment.

None received.

11:36 a.m. Closed Public Comment

MOTION by Josselin Lifton-Zoline to continue the Public Hearing for Collins-Morehead LLC – Lot 4, Deep Creek Placer; Special Use Permit application to October 13, 2022 meeting. The Applicant will provide the information and documentation requested by the referral agencies, county staff, and Planning Commission to the Planning Department at least two (2) weeks prior to the above-scheduled date as follows:

1. Respond to the safety requirement identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.

2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.

3. Contact the Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.

4. Respond to other comments received from referral agencies.

5. Respond to comments and issues enumerated by the Planning Commission as follows:

A. Provide the DRMS release of reclamation report.
B. Submit the engineering report for review.
C. Submit a copy of the electrical permit
D. Provide a more detailed parking and transportation plan for the events.
E. Provide a plan for safety rails/fences along drop-offs to protect event attendees.
F. Provide permanent and event exterior lighting plans.
G. Provide a copy of storage safety protocols that are provided to users.
H. Provide a copy of safety rules and protocols for special events.

SECONDED By MJ Schillaci. **VOTE PASSED 5-0**

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

11:44 a.m. Recessed.
11:51 a.m. Reconvened

WORKSESSION:
Discussion to amend Section 5-10, Special Uses, to add criteria related to cumulative impacts, and to clarify standards.

APPROVAL OF THE MINUTES:
MOTION by MJ Schillaci to approve the June 9, 2022 minutes as presented.
SECONDED by Josselin Lifton-Zoline. **VOTE PASSED 4-0.**

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

PLANNING COMMISSION AND STAFF COMMENTS
Kaye Simonson updated the commission on the following items:

- A request has been submitted to the BOCC for a four-month extension to the Genesee PUD Sketch Plan approval.
- RFQ deadline for the Master Plan update is due July 15, 2022. Kaye needs two people from the commission to review and interview potential candidates.
- The August CPC meeting will potentially be a work session and annual reviews.

12:55 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on August 11, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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Dan Collins, Managing Partner
Collins-Morehead LLC
PO Box 3055, 26 Deep Creek Road
Telluride, CO 81435

dan.collins@asu.edu
480-206-2037 (cell)
970-728-5266 (land line)

October 26, 2022

Kaye Simonson, Planning Director
John Huebner, Senior Planner
Troy Hangen, Senior Planner
San Miguel County Planning Department
333 W. Colorado Avenue
3rd Floor / P.O. Box 548
Telluride, CO 81435
Phone: 970-728-3083
Fax: 970-728-3098

Cc: Laurie Lundquist, Anton Viditz-Ward

RE: *Updates on the application for a Special Use Permit to allow a Light Industrial, research, and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events to occur at former mine (viz. Deep Creek Mine).*

Dear Kaye, John, and Troy: Please accept this letter and attached sheets as constituting a response from The Deep Creek Mine (hereafter DCM) regarding the continuance granted last July 14 for DCM's Special Use Permit (SUP) application. Using the guidelines outlined in Kaye's letter of March 31, 2022, along with recommendations/comments made before, during, and after our meeting with the San Miguel County Planning Commission and related departments on July 14, 2022, and including recommendations from Mining Engineer Brian Briggs, we have assembled an updated set of documents to support the DCM's Special Use Permit application.

In addition to an update of the required background, description, and narrative submitted last Spring, this packet specifically addresses the issues outlined in the Planning Department's letter sent by John Huebner just after the completion of DCM's meeting with the Planning Commission on July 14, 2022. These include the following (these items are specifically addressed in the Addendum starting on page 14):

1. Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
3. Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.

4. Respond to other comments received from referral agencies.

5. Respond to comments and issues enumerated by the Planning Commission as follows:

   A. Provide the DRMS release of reclamation report.

   B. Submit the engineering report for review.

   C. Submit a copy of the electrical permit.

   D. Provide a more detailed parking and transportation plan for the events.Provide a plan for safety rails/fences along drop-offs to protect event attendees.

   E. Provide permanent and event exterior lighting plans.

   F. Provide a copy of storage safety protocols that are provided to users.

   G. Provide a copy of safety rules and protocols for special events.

(1) 4-203 **Parcel Description**
The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County (see Exhibits A, A1, and A2).

Street Address:
26 Deep Creek Road, Telluride, Colorado 81435

Legal Description of Lot 4:
LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 46.79 AC SEC 25 AND 26 T43M R10W

(2)

(3) 4-204 **Disclosure and Proof of Ownership**
Sufficient information to demonstrate Proof of Ownership.
As demonstrated by attached documents, *Collins-Morehead LLC Deeds & Authority* (See Exhibit B)

(4) 4-205 **Legal Access**
Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

As demonstrated by the attached document, "*Collins-Morehead_LLC_Deeds,"* Dan Collins is one of four legal owners of Lot 4. As the Managing Partner of Collins-Morehead LLC, Dan Collins is authorized to act in making application for meeting the terms of the Deep Creek Mine SUP (Lot 4).

4-207 Pre-Application Conference Summary Sheet
(5) A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (See Exhibit C)
(6)

(7) 4-206 **Standards Report**
A written report demonstrating that the proposed development complies with the applicable substantive review standards. This Standards Report is your written narrative· explaining how your proposal meets the standards for Rezoning as set forth in LUC Section 5-1803 A. thru C. and also how your other proposed uses will meet the standards in Section 5-308 HC Zone District Standards and Section 5-10 Special Use Standards.

(8) NARRATIVE
(9)
Special Use Permit (SUP) for Lot 4
(10)
Synopsis of SUP Process to Date

On June 20, 2017, BOCC heard a proposal for a change in zoning for Lot 4 Deep Creek Placer (aka "The Deep Creek Mine") from Forest and Ag (F) to Heavy Commercial (HC) to allow for Research Development and Artist/Craftsman workspace for Lot 4 (formerly a limestone mine). The proposal was approved, per the standards for Rezoning as set forth in LUC Section 5-1803 A through C. At the time, the application, a Special Use Permit (SUP), submitted concurrently with the rezoning application, was found to be incomplete. A tour of the facility and follow-up meeting in the Miramonte building in Telluride was conducted by the San Miguel Planning Commission and other County officials on July 14, 2022. The tour included members of the Planning Commission, Department of Planning staff (Simonson and Huebner), the San Miguel County Building inspector (Gonzalez), and other key officials. A follow-up meeting was initially scheduled for Oct. 13, 2022 to address outstanding issues raised by SMC officials. However, at the request of the owners, this date was extended until November 10, 2022. This packet is to be distributed to relevant County officials in advance of the November meeting.

Location & History of the Site

The location is 7 miles west of Telluride at the NW corner of the confluence of the San Miguel River and Deep Creek at an elevation of approximately 8200 ft.

Background

Lot 4 is an approximately 47-acre parcel, recently rezoned as Heavy Commercial (HC). Previously, the parcel was zoned as "Ag/Forest" (F) and was a permitted limestone mine under the jurisdiction of the Colorado Division of Reclamation, Mining, and Safety (DRMS). It was actively mined for limestone up through about 1995. All of the requirements set forth by DRMS for reclamation were met in 2021. One of the stipulations for approval of the proposed reclamation plan to the State was to conform to County zoning/land-use codes. Lot 4 is now under the jurisdiction of San Miguel County. The current owner is Collins-Morehead LLC.

The local contact/manager is Dan Collins, who is co-owner with his wife, Laurie Lundquist; his sister, Lois Morehead; and his brother-in-law, Jon Morehead. Currently, the mine has evolved to support a variety of "non-mining uses" including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. An additional objective is to use the "equipment apron" – an outdoor event space – approximately six times a year for cultural activities involving less than 200 people associated with Telluride Arts, the Mountain Film Festival, Deep Creek Experimental, and the Telluride Institute, and other local non-profits (501c3).

The owners see the potential of the property as not only providing much needed work-space for local artisans and craftspeople engaged in activities that cannot be conducted within the Town of Telluride Region, but also a significant public amenity that can support specially permitted cultural activities, some

of which fall outside the logistical possibilities of facilities in town. A schedule showing the proposed frequency and duration of such events is included in this submittal. (See Exhibit D - Calendar of Events)

(11) 5-1803 Rezoning Completed for Lot 4

(1 2) Per the Land Use Code, *"rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section."*

(13) As a co-owner of the above specified property, Dan Collins initiated the rezoning process. The rezoning application was heard and approved on June 20, 2017 by the BOCC. (see Exhibit E – BOCC Resolution)

As per stipulations of LUC 5-1803 with respect to San Miguel Canyon, there were no conflicts with the proposal with any applicable sections of the Land Use Code. Further, the 2017 plan was consistent with the San Miguel County Comprehensive Development Plan, surrounding Zone Districts, and land uses. Specifically, the property is directly across Colorado State Highway 145 (on the north side) from both the SM County Road shed and the Colorado State Highway department (CDOT)—that is, the "neighborhood" has long been defined by industrial uses. The only residential neighbors near the mine property occupy dwellings also owned by member of the Collins and Morehead families on what has been known historically as Parcel A — the approximately 20-acre parcel along the creek bottom at the mouth of Deep Creek. "Parcel A" was re-named "Lots 1, 2, & 3" when the property was officially re-platted during a sub-division exemption process (see attached "Site Map," Exhibit A2 – Plat Map). Notification of plans for a change of zoning were sent to neighbors and agencies with abutting properties on Deep Creek mesa and in the canyon and were published, per DRMS requirements, in the local paper and available for review to the general public in the County records department. A sign with Collins-Morehead LLC intentions was posted in April of 2017 on the main gate at the base of the access road to the mine. An additional notification process to adjacent neighbors was conducted upon successful completion of the application process. Updated signage was posted prior to the July 14, 2022 meeting.

The situation on the ground has not changed appreciably since 2017. Given the limited number of regular users of the property, DCM anticipates no excessive demands on public facilities (principally the adjacent County Road). Sewage and water requirements for onsite users are met by professional service contracts (providing portable toilets) transportable sanitary water tanks using Town of Telluride water). During those few events (approximately six events annually) in which larger groups are on site, transportation will be provided by commercial taxi/limo services, thereby avoiding the potential parking problems along Deep Creek Road. (Exhibit A1. Site Plan). No significant impacts on the local environment are anticipated as the result of the proposed uses. As already indicated, the proposed range of uses is compatible with the character of the local "neighborhood." There are no conflicts anticipated with the "public interest." Indeed, DCM views the proposal as providing a pathway for a range of activities that will afford significant public benefit. From the initial posting and interviews with neighbors for the change in post-mining uses with DRMS, DCM has received no objections to the proposal. As indicated, there are no significant impacts on local transportation or safety issues.

(14) 5-308: Heavy Commercial (HC)

DCM understands that the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. Once the zoning change to HC is operationalized by the additional protections afforded by the SUP, the site will provide a location for new commercial activities that will serve the local community and provide a "protected space" for a range of creative industrial and experimental activities. Some of the activities that DCM envisions for the property are (only) appropriate to the HC Zone District because of associated noise/smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (music events), and equipment (diesel equipment operation).

The specific uses DCM is proposing for the property include a number of the activities that fall under the one-step review process, including: storage; manufacturing; light industrial; research and development facilities; public facilities; staging for construction contractors; and auto repair shops in compliance with the additional list of requirements for the housing, storage, and handling of hazardous wastes, etc. related to auto repair, as per LUC 5-308 B XII).

While the underground portion of the entire mine comprises some 87,500 square feet with an average ceiling height of some 20 feet, the current application is for the approximately 7000 square feet of space immediately adjacent to the seven mine portals in the south and eastern cliff faces. Access to the remainder of the mine will be controlled by permanently locked steel barricades and will be accessible only to the owners (Collins-Morehead LLC), the mine manager, Anton Viditz-Ward, and individuals trained in the safety protocols as outlined in the Addendum, page 13. Attached plans delineate the proposed uses and levels of occupancy. The outdoor "equipment apron" occupies about 2 acres. There is adequate parking on site for the full range of proposed day to day uses for regular mine occupants. (See Exhibit E2).

(15) 5-10: Special Uses

DCM understands that Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards, and policies.

DCM maintains that the proposal for Special Uses is consistent with the San Miguel County Master Plan, Land Use Policies, Zone District, and the immediate Neighborhood. The proposal is appropriate given the character of the proposed activities (e.g., cultural events and art displays). All Special Use events are designed, located, and proposed to be operated so that public health, safety, and welfare are protected. In addition to standard common sense, a number of steps and considerations are initiated before any event/kinetic display is scheduled for the Deep Creek Mine. These include:

- All events are limited to less than 200 individuals.
- Appropriate safety procedures are reviewed by all DCM staff participants prior to each event and training is given as needed to all staff and participating members of the public. Protocols, developed in concert with Mining Engineer Brian Briggs (retained by Collins-Morehad LLC, Summer/Fall 2022), include instructions in the use of appropriate

PPE, access and evacuation routes/procedures, air quality assessment, routine ground control inspection, and training in on-site fire/hazard mitigation.

- Control points for public access are established at the entrance to the property (via locked steel gate)
- To mitigate any potential parking issues along Deep Creek Road during public events, the recommendation from the County is to provide commercial shuttle services for members of the general public to attend events at the Deep Creek Mine. These services would originate in the Town of Telluride and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.
- For any event involving fire, notification of appropriate local authorities (e.g., Sheriff's department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force. Fire Marshal Scott Heidergott has been consulted and his recommendations have been addressed (see Addendum p. 13)
- PPE (personal protective equipment) as defined by OSHA (https://www.osha.gov/SLTC/personalprotectiveequipment/) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro-technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
- Appropriate portable lighting is provided along access road for pedestrian traffic.
- Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.
- First aid kits are provided at well -labeled stations around the site.
- Trained personnel are on site with certifications in CPR and basic first aid.
- Individuals on site have been trained in professional fire-fighting methods.
- Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all attendees.
- No individuals are allowed past clearly marked interior doors and gates within the mine proper.

With respect to impacts on surrounding area, all activities are compatible with the Character of Parcels adjacent to the proposed Special Use site and are appropriately expressed in terms of appearance, scale and features, site design, landscaping, weed seed dispersal, as well as, the control and minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions. Public facilities and services shall be provided to serve any reviewable use including, but not limited to roads, potable water, sewer, solid waste, fire protection, and drainage systems. In the initial application for HC zoning, there was a question about the status of the bond established in the mid-1980s with respect to the reclamation of the property per the requirements of DRMS. The terms of that bond have been satisfied and the bond has been retired.

5-1002 E. *The following has been addressed, per the SMC Land Use Code:*

a. *Ownership, Use and zoning of all adjacent Parcels* (See Exhibits B & B1 & C);
b. *Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking* plan (see Exhibit E2);
c. *Easements* (see Exhibit A 3);
d. *Location and dimensions of Structures* (see Exhibit E1);
e. *Typical elevations/Heights of such Buildings* (N/A);
f. *Landscaping* (N/A);
g. *Topography* (as per contour lines on Exhibit E2);
h. *Specific areas proposed for specific types of land Use/the identification of specific land Uses* (see Exhibit F); and
i. *Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable. As follows:*

Anton Viditz-Ward manages a collective of 7 artisans and fabricators who work at the mine. All rental activity has been terminated. There will be no access to the portions of the mine beyond the 7000 square feet at the "front" of the mine, except by trained DCM personnel. In addition, once the CO has been issued, we are proposing an average of six Special Use Permitted events annually (see attached typical calendar, Exhibit D).

II. *Lighting plan.* Initial upgrades to the interior work corridors and studios are in progress, upgrades are ongoing for the circulation corridors. (See Exhibit G). Portable lighting will be provided as needed to ensure safety during events;

III. *Signs - all Signs must meet Section 5-704 standards.* Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use has been posted; 2) Safety Notices at entrance and inside of mine stipulating use of hard hats and other safety considerations; 3) Clear Ingress and Egress signage (including the word EXIT and white arrows pointing in the direction of Exits) (see Exhibits H1& H2).

IV. *Water/sewer plan must meet state standards and may include verification of a commercial well permit;*

All water/sewer requirements will be satisfied with portable water storage and sanitary units.

V. *Drainage plan. (As per Exhibit E1 - see drainage outflow location);*

VI. *Grading plan.* (As per Exhibit E2)

VII. *Dust control plan.*

Regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants. Per the recommendation of Mining Engineer, Brian Briggs, further treatment is being tested involving power-washing the ground surface to the level of solid rock to eliminate dust.

VIII. *Synopsis of Ground Control Plan and specifications by a registered Colorado Professional Engineer (Brian Briggs) as requested by staff and Referral Agents*. What follows is a synopsis by the applicant of Mr. Briggs's report. His full "engineering report" on "ground control" (structural recommendations) can be found under Exhibit I1 and I2)

> B.K. Briggs & Associates conducted a site visit with special attention to "ground control" and "ventilation" of the Deep Creek Mine on three occasions in August, September, and October. The baseline results of this survey are discussed herein along with recommendations for improvements based on our understanding of the current and future use of the underground workings by the owners. The survey was conducted by Brian K. Briggs, P.E. and Travis Leach, P.E., mining engineers registered to work in the State of Colorado. They were assisted by

Dan Collins owner of the mine and Anton Viditz-Ward current operator of the facilities.

The existing working consist of 7 portals and approximately 2,545 feet of underground drifts and crosscuts. Drift height measurements were taken at various locations through the mine corresponding with ventilation mapping and drift widths were pulled from AutoCAD drawings of the mine supplied by the owner. The objective for the study was to determine minimum ground control recommendations based on underground dimensions and geological and geotechnical data currently available, and to develop a plan for long-term use of the Mine. No core drilling or geotechnical lab work to determine rock compressive strengths has been completed for this project, though it is recommended this be completed in the future to confirm and refine current estimates.

The Deep Creek Mine's existing ground control is made up of spot bolting with 2-foot micky bolts. The mine has remained open and relatively free from rockfall events since it was first mined though some evidence of spalling at the larger openings and around intersections was observed.

While some ground support measures are recommended for long-term use of the Mine, there is no apparent danger to personnel working in the existing studios (as shown in Phase 1) if they utilize basic PPE (i.e., hardhats and other safety gear). Indeed, Mr. Briggs writes: "…Access and use of studios can be done safely under the following conditions." He then specifies a list of safety protocols. (see Addendum, pp. 14 - 15).

To ensure the long-term safety of the mine, Briggs recommends a multi-phased process conducted over several years. Phase 1 ground support would focus on the areas around the portals and the studios in the southern area of the mine where the studios are currently located, an area of approximately 7,000 sq.ft. To ensure continued safety of the Studio area over the next several years, a systematic program of installing ceiling bolts and wire mesh should be implemented.

Ground control should be inspected on a frequent basis of not less than once per week. Inspections should focus on areas where rock-spalling is evident and rock baskets behind the wire mesh accumulate.

It is recommended that a full inspection and report of installed ground control occur on a yearly basis by a qualified individual with experience in the design, installation, and maintenance of ground control. This could be either by a licensed mining engineer or experienced miner.

It is also recommended that current estimates of rock mass quality and rock support be followed up with core drilling to obtain samples for unconfined and confined compressive strength. Testing along with further evaluation of jointing patterns of the ribs by sampling 4 to 6 areas throughout the mine will allow a refined ground control protocol and may decrease the bolt patterns given for future development.

IX. *Synopsis of Ventilation Plan for Phase I (by Mining Engineer Brian Briggs)*

What follows is a synopsis by the applicant of Mr. Briggs's report. His full "engineering report" on ventilation can be found under Exhibits J1 & J2.

BK Briggs & Associates conducted a site visit and ventilation survey of the Deep Creek Mine on August 23, 2022. The survey was conducted by Brian K. Briggs, P.E. and Travis Leach, P.E., mining engineers registered to work in the State of Colorado. They were assisted by Dan

Collins owner of the mine and Anton Viditz-Ward current operator of the facilities.

Measurements for airflow and tunnel dimensions were taken at 6 locations. The existing workings consist of 7 portals, and approximately 2,545 feet of underground workings. Airflow quantities were determined by performing full section vane anemometer traverses or centerline smoke tube measurements and multiplying by a measured cross-sectional area.

The current airflow for Deep Creek is provided by natural ventilation and is adequate for current activities under most conditions. There are 7 portals along the South-Western edge of the project. Each of these portals constitutes an entry way to the underground areas as well as rental studio space for artists and other tradesman.

With all current access portals open the air flow provided by natural ventilation is enough to support a maximum of 12 people underground at any given time. With all but two portals closed the air velocity increased enough to support up to 32 people underground.

For the Phase 1 development (current usage) we are proposing several changes to air door and brattice cloth locations (commonly known as stoppings); the purchase and installation of a 10 HP Ventilation Fan with accompanying shroud, silencer, and variable speed drive; and the installation of barricades to prevent unauthorized entry to unventilated spaces of the mine. The fan would be installed at the western most portal, and will provide ventilation to the east, exhausting out of the 2 eastern most portals. Refer to Exhibit J2 for ventilation flow and fan location.

Phase 1 provides adequate ventilation for the existing occupied studio spaces, allowing the current studios to operate with existing usage. All other areas of Deep Creek would be accessible only by qualified personnel that are trained and equipped with appropriate Personal Protective Equipment (PPE). See additional safety considerations in Exhibit J1.

A fan is recommended for Phase 1 whenever temperature variance is less than 40 degrees and required under conditions where the differential is less than 20 degrees.

VIII. *Weed control plan that must include use of weed free hay or straw; (N/A)*
IX. *Fencing/railing Plan.* (As per Exhibit K); and
X. *Electrical Plan & Alarm (as per Exhibit L);* and
XI. *Additional permits as necessary from other agencies. (e.g. Fire Protection)*

(16) 5-1003 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved special uses and special use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.
Does that mean that we can request minor amendments to the director in future years?

5-1003 A. Standards

As requirements for approval, the proposed activity shall not:

I. *Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;*

II. *Violate any Land Use Code standard;*

III. *Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and*

IV. *Increase the floor area of the use by more than two percent or decrease the open space on the site by more than three percent.*

5-308 HC Zone District Standards and Section 5-10 Special Use Standards.
Evidence is provided in the form of a letter from DRMS that a full application for "post mining use" has been successfully completed and approved. We received the official notice that Lot 4 has been released from DRMS oversight on October 11, 2021. See attached letter from DRMS. (Exhibit F).

(17) Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (See Exhibit C: Pre-Application Conference Summary Letter).

(18) Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5- 4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

(19) Copies of Application

During the pre-application conference staff shall specify the number of copies of the application to be submitted.

(20) Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

No revegetation is proposed. All available land will be utilized by proposed activities.

(21) Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

The process of repurposing the mine has not created disturbed surfaces over one acre, however, we will continue efforts to mechanically control noxious weeds as identified by SMC.

Specific Provisions per Planning Director's Letter of March 31, 2022

To potentially allow the various proposed "cultural events," we understand that the Special Use Permit application also needs to include a specific proposal and information concerning the "Public Facilities" we are seeking to have considered and potentially approved at the former mine.

As noted in earlier communications with the Planning Department, we are working with the State Electrical Inspector. We have obtained the necessary permit and are in the process of installing a greatly improved electrical system. We worked previously with the former Telluride Fire Marshal, Jim Boeckel, regarding development of a fire protection plan and adequacy of ventilation. We recently reviewed the plan with Scott Heidergott, the new Fire Marshal, to factor in his requirements. We are no longer working with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety as that relationship was concluded when we satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. We are working with Matt Gonzales (Building Official) to determine Building Code compliance issues. We are eager to complete the process of obtaining the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours. These items are addressed in the Narrative and the supplemental information found in the attached addenda.

II. Scheduling of Application Consideration

Per the requirements provided by the Planning director for scheduling of application consideration, we will be providing one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements.

The next meeting with the Planning Commission has been scheduled for the second Thursday of November (November 10, 2022)

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

A one time payment of $750 for the SUP has already been made to San Miguel County by the Applicant. In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

Addendum A:

The following numbered items comprise detailed responses to the written comments submitted by relevant State and County officials with respect to the original SUP application. These were compiled as a list of directives to the applicant on July 14, 2022 by John Huebner, SMC Senior Planner (responses are identified as "DCM"):

1. *Respond to the safety requirements identified by the Telluride Fire Marshal, Scott Heidergott:*

    a) DCM: Turnaround for Emergency Vehicles. A plan showing approved "hammerhead" for turn-around at the top of the Mine access road has been approved by the Fire Marshal (See Exhibit E2)
    b) DCM: The Fire Marshal requires a "monitored" alarm system. DCM contacted regional alarm companies. We had a walk-through of the mine with Dan Culmer of PEAK alarm (Superior Alarm & Fire Protection) on Thursday, September 29. DCM received a quote from PEAK of some $37K for hardware and install. This far exceeds DCM's budget for this provision. However, Fire Marshall Heidergott indicated that any UL approved system along with a letter from the company guaranteeing that their services are offered 24/7/365 would be sufficient. See plan for adding monitored alarm system. Letter from regional company will be provided before Certficate of Occupancy approved.
    c) DCM: The Fire Marshal indicated in an email dated July 5, 2022 that no water needs to be stored on site for fire suppression.
    d) DCM: In a follow-up meeting with Scott Heidergott, Matt Gonzalez, John Huebner, Anton Viditz-Ward, and Dan Collins on October 17, 2022, it was agreed that the Mine access road --in terms of width and grade (which is 11% on average along its length)--is sufficient for fire and emergency access. The road also has been upgraded with a berm along its length of sufficient height to meet or exceed the axle height of the largest vehicle to traverse the road.

2. *Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.*

    a) Gonzalez: As the historical use of the Deep Creek Mine (DCM) is changing, a building permit will be required, building code inspections will be required, and a Certificate of Occupancy (CO) will be required, verifying code compliance for the new occupancy classification;

    DCM: The space has been continuously occupied by tradesmen and artisans since 1995—so the "historical use" of the mine is not changing. However, we understand the importance of coming into compliance with a different authority (San Miguel County). From 1985 – 2021, we were under the jurisdiction and supervision of the Division of Reclamation, Mining, and Safety (DRMS), a state agency. As such, given its "grandfathered" and on-going status, we suggest that a more accurate description of the current state of affairs at the Mine would be that the facility is undergoing "maintenance and repairs." We have already pulled a State permit for the electrical upgrade and have nearly finished this work (see Exhibit L2). We are not "building" anything new, but performing routine work on the existing infrastructure. Upon completion of the SUP, we will be applying for a Development Permit, followed by a

building permit (per meeting with Matt Gonzalez on Oct. 12, 2022).

b) Gonzalez: Based on the 2018 International Building Code (IBC) it appears that DCM's new occupancy classification will be mixed-occupancy F-1 (Factory and Industrial), S-1 (Storage), and A-3 (Assembly);

DCM: Upon reviewing the relevant sections of the 2018 International Building Code (https://codes.iccsafe.org/content/IBC2018), we are committed to meeting the various requirements regarding occupancy, egress, building specifications, and other factors. In a group meeting with Gonzalez, Heidergott, Viditz-Ward, Huebner, and Collins on October 17, 2022, various occupancy classifications were discussed with respect to the uses and occupancies proposed for the various "zones" in the mine as a whole.

c) Gonzalez: The DCM should not be occupied as such until after a CO has been obtained;

DCM: It would be impossible for us to meet the demands of the necessary upgrades without the help of the current occupants—through a process of "sweat equity" and exchange—to complete the work. Many local tradesmen—several with families—depend on their continued access for their livelihoods. They are well qualified to conduct the range of tasks needed on site (all have construction experience and long experience in industrial settings). The Mine has been continuously occupied since 1995. There have been no safety incidents or injuries in over 27 years of operation.

In a meeting with Building Official Gonzalez and John Huebner on Oct. 12, 2022, it was agreed that the current occupants of the mine (7 individuals), who are actively involved in bringing the mine into compliance with new County requirements, would be permitted to continue working in the mine during the maintenance and repair process and through the Certificate of Occupancy. Access for these individuals will be limited to the "front" 7000 square feet of the mine that has been defined as Zone 1 / Phase 1 of the project.

d) Gonzalez: Prior to issuance of a CO, the County Engineer should provide verification that the DCM is suitable for occupancy;

DCM: We have retained a certified mining engineer (Brian Briggs, formerly the CEO of the Ouray silver mine) to help us address issues with respect to the interior of the mine (e.g., structural integrity and ventilation). Exterior features (such as the specs on upgrades to the mine access road and drainage ditches) have been addressed previously by Dan Quigley, a well-regarded Civil engineer.

All of the regular occupants of the Mine completed a safety training workshop on October 5, 2022. This was conducted by Brian Briggs P.E. and Chris Folsom P.E. We have a plan in place that will require than any occupants of the mine undergo a similar training program that will ensure everyone's safety. This is the relevant section from Brian Briggs's report:

"…Access and use of studios can be done safely under the following conditions."

- A training program for all workers underground is instituted.
- A site-specific training program for all visitors that intend to access the

underground workings is instituted.
    - The use of the MX-4 gas meter for pre-shift readings and during shift monitoring.
    - Use of PPE including the W65 self-rescuer.
    - Emergency egress drills.
    - Use of stench-gas evacuation.
    - Basic Ground Control evaluation with routine "scaling."
    - 5-card workplace system for those working each day.
- A brass in / out system shall be implemented to track when personnel/visitors are underground. ("Brass" refers to a brass tagging system in which all mine occupants wear a brass tag on their belt when "underground." A corresponding brass tag is hung on a board just outside the entrance to the mine to indicate who is currently underground).
- A pre-shift workplace inspection system shall be implemented for all personnel. Briggs recommends the "5 point safety system" used in the mining and underground construction industry. The workplace inspection shall evaluate ground control, ventilation, and overall workplace safety.
- All personnel shall be trained in the use of an MX-4 (or similar) gas meter. At the beginning and end of each shift, readings shall be conducted with an MX-4 by a supervisor or manager, and kept in a log book."

e) Gonzalez: Because there appear to be many building code compliance requirements in question, I recommend that the Planning Commission continue the SUP hearing to allow the Applicant time to prepare building plans that address all potential building code issues, including, but not limited to:

i. Requirement for <u>fire suppression</u> based on occupancy classification and square footage in coordination with Telluride Fire Protection District;

DCM: We have received comments and addressed concerns provided by Scott Heidergott, SMC Fire Marshal—including access/turn-around by emergency vehicles, a fire evacuation plan, and on-site controls. A site visit by Dan Culmer of PEAK Alarm was conducted on Sept. 29, 2022 (see #1 above).

ii. <u>Accessibility;</u>

DCM: Accessibility issues, per the 2018 IBC, are being addressed. In our Oct. 12, 2022 meeting, Gonzalez recommended we speak with our attorney, Thomas Kennedy, regarding accessibility issues.

iii. Maximum travel distance as it pertains to egress;

DCM: Travel distances to exit points will be limited by strategically placed permanent barriers within the interior of the mine. Mine manager, Anton Viditz-Ward, has developed a sheet, based on the 2018 IBC, that shows specific distances for egress. In reviewing relevant sections of MSHA (Mine Safety and Health Administration) requirements for egress, there is (also) a requirement that the time for exit should not exceed 30 minutes. Even if starting from the deepest sections of the Deep Creek

Mine, exit via walking takes less than 10 minutes.

iv. Egress lighting;

DCM: See lighting plan Exhibit G for exterior lighting. The lighting plan now includes a design for both interior and exterior lighting. See Exhibit L1 for interior lighting.

v. Egress signage;

DCM: There are standard directional signs throughout the mine. Additionally, lighted exit signs are being installed at the primary exits.

vi. Ventilation rates according to occupancy classification and occupant load;

DCM: A complete Ventilation plan has been provided by Engineer Brian Briggs (see Exhibit J1 & J2).

vii. Bathroom facilities dependent on occupant load.

DCM: Portable toilets and handwashing stations are available in sufficient number to serve regular occupants of the mine. During public events, additional "porta-potties," equipped with hand-sanitation units, are provided in sufficient numbers to serve persons on site.

3. *Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.*

DCM: A second request for comment from CDOT regarding an access permit was submitted in late September. An automated response was received on October 7, 2022 indicating the following: "Please note, the CDOT Permits Department is currently extremely short staffed. Email responses will be delayed and a permit status update may take up to 45 days. Thank you in advance for your patience." We expect a reply by the 3rd week of November 2022.

4. *Respond to other comments received (viz., Colorado Parks and Wildlife).*

DCM: John Huebner forwarded comments from Kelly Crane, the District Wildlife Manager, Colorado Parks and Wildlife, in Ridgway. Her key response was as follows: "I have reviewed the application material provided to us and have determined that the events requested on the Special Use Permit will most likely have minimal impacts on local wildlife species." (The full letter is attached, Exhibit M).

5. *Respond to comments and issues enumerated by the Planning Commission as follows*:
   a) Provide the DRMS release of reclamation report (see attached, Exhibit N)
   b) Submit the engineering report for review (see attached, Exhibits I1 & I2)
   c) Submit a copy of the electrical permit (see attached, Exhibit L2)
   d) Provide a more detailed parking and transportation plan for the events. (Exhibit 0)

e) Provide a plan for safety rails/fences along drop-offs to protect event attendees. (see attached, Exhibit K)
f) Provide permanent and event exterior lighting plans. (see attached, Exhibit G)
g) Provide a copy of storage safety protocols that are provided to users. (see attached, Exhibit P)
h) Provide a copy of safety rules and protocols for special events. (see attached, Exhibit Q)

EXHIBIT A – Vicinity Map

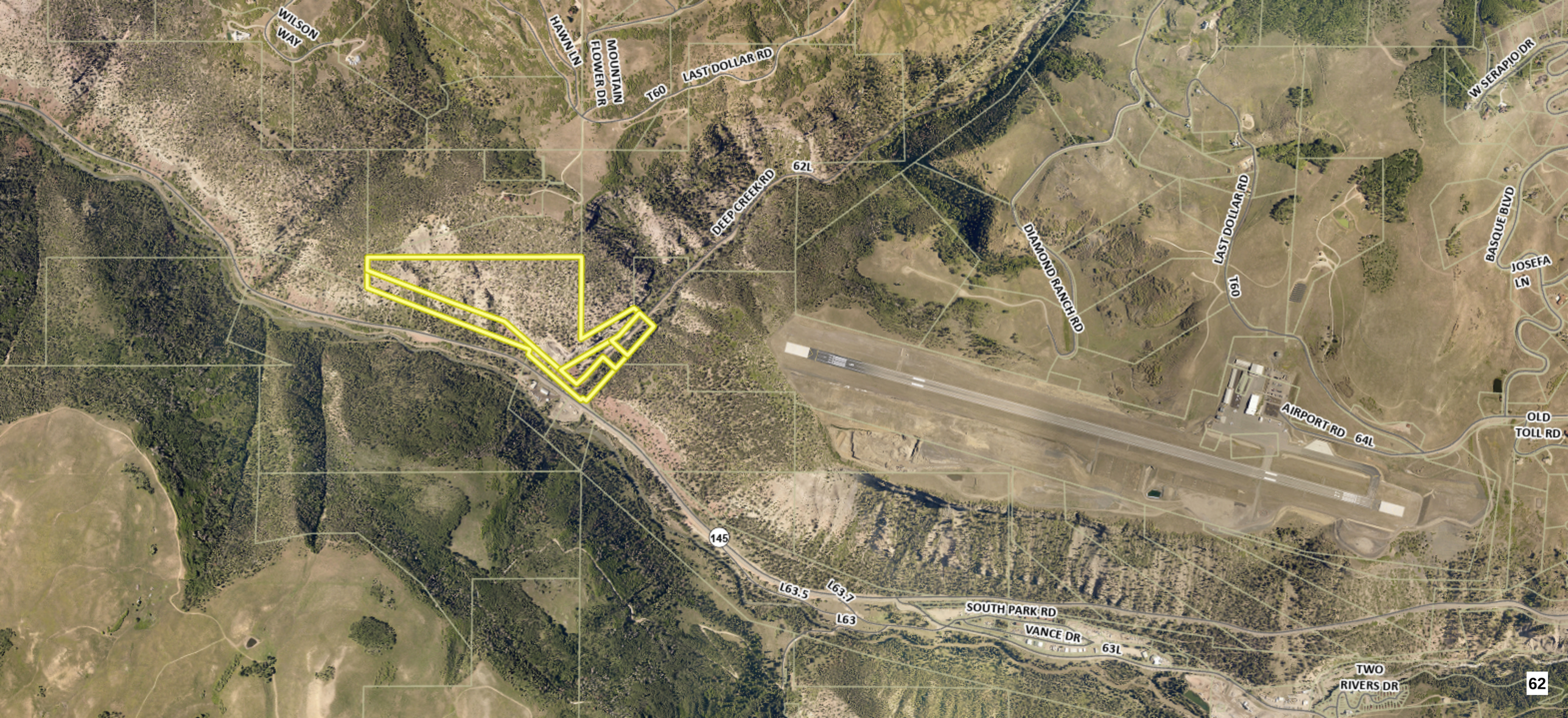
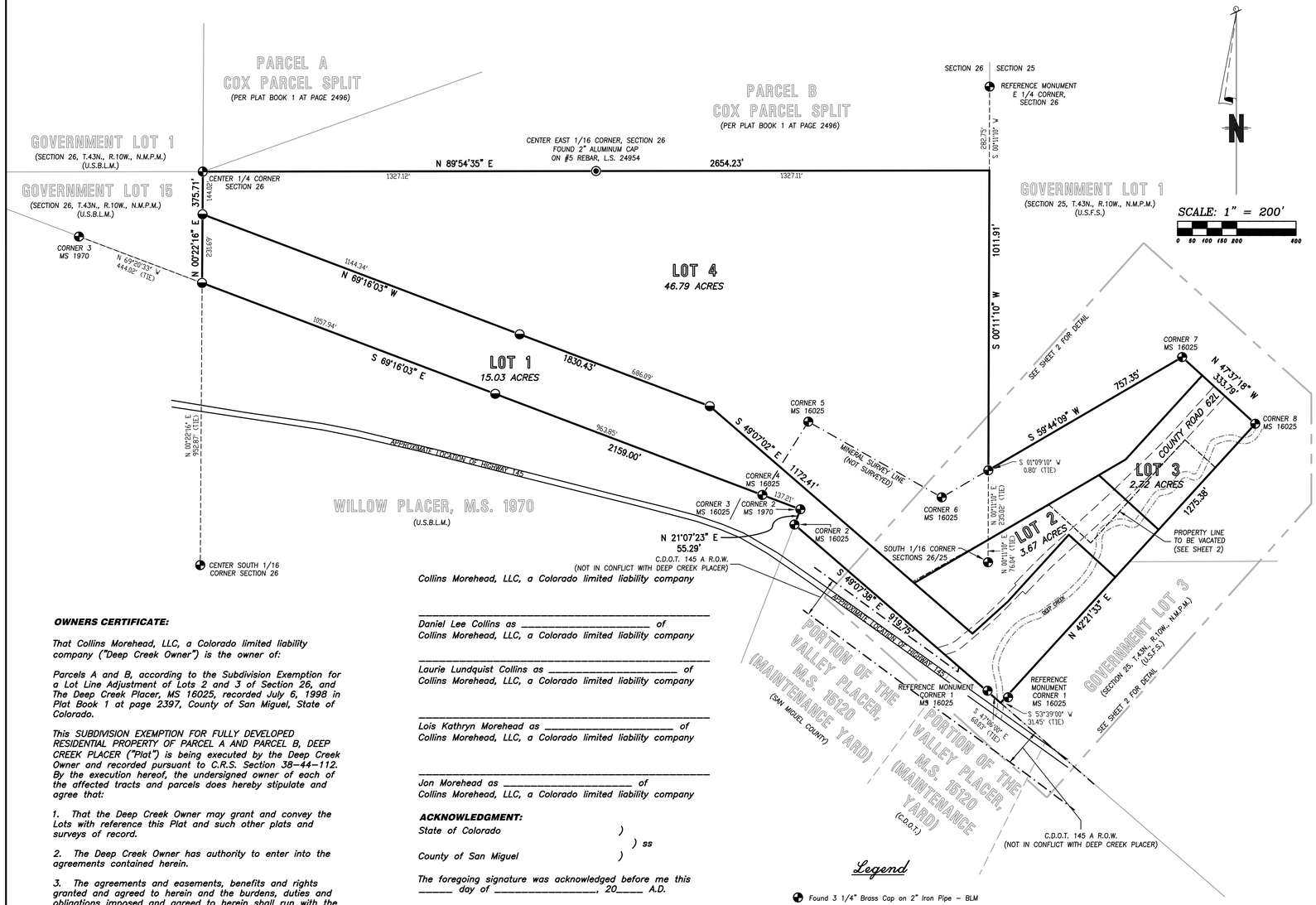

WILSON WAY
HAWN LN
MOUNTAIN FLOWER DR
T60
LAST DOLLAR RD
W SERAPIO DR
DEEP CREEK RD
62L
DIAMOND RANCH RD
LAST DOLLAR RD
T60
BASQUE BLVD
JOSEFA LN
AIRPORT RD
64L
OLD TOLL RD
145
L63.5
L63.7
L63
SOUTH PARK RD
VANCE DR
63L
TWO RIVERS DR
62

EXHIBIT A 2 – Plat Map

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.



Collins Morehead, LLC, a Colorado limited liability company

Daniel Lee Collins as _____ of Collins Morehead, LLC, a Colorado limited liability company

Laurie Lundquist Collins as _____ of Collins Morehead, LLC, a Colorado limited liability company

Lois Kathryn Morehead as _____ of Collins Morehead, LLC, a Colorado limited liability company

Jon Morehead as _____ of Collins Morehead, LLC, a Colorado limited liability company

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

OWNERS CERTIFICATE:

That Collins Morehead, LLC, a Colorado limited liability company ("Deep Creek Owner") is the owner of:

Parcels A and B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer, MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

This SUBDIVISION EXEMPTION FOR FULLY DEVELOPED RESIDENTIAL PROPERTY OF PARCEL A AND PARCEL B, DEEP CREEK PLACER ("Plat") is being executed by the Deep Creek Owner and recorded pursuant to C.R.S. Section 38–44–112. By the execution hereof, the undersigned owner of each of the affected tracts and parcels does hereby stipulate and agree that:

1. That the Deep Creek Owner may grant and convey the Lots with reference this Plat and such other plats and surveys of record.

2. The Deep Creek Owner has authority to enter into the agreements contained herein.

3. The agreements and easements, benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall run with the respective land of each Lot and shall be a benefit of, and burden upon the respective land of each party, as applicable. Further, the easements, benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall be binding upon and shall inure to the benefit of, and be a burden upon, each of the respective properties. This Plat is intended to be recorded in the office of the Clerk and Recorder of San Miguel County, Colorado.

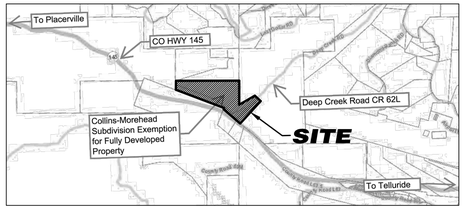
4. The Deep Creek Owner does hereby dedicate to San Miguel County for the perpetual use of the public the R.O.W. for CR 62L as shown and depicted hereon and hereby dedicates those portions of land labeled as utility easements for the installation and maintenance of the public utilities as shown hereon.

5. The Deep Creek Owner does hereby dedicate a 30' Access and Utilities Easement to benefit Lot 4, the location of which is depicted on sheet 2.

IN WITNESS WHEREOF, the Owner has executed this Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer and the agreements contained within intended to be made effective as of _____, 20_____.

Legend

- Found 3 1/4" Brass Cap on 2" Iron Pipe – BLM
- Found 1 1/2" Aluminum Cap on #5 Rebar – LS 24954
- Set 1 1/2" Aluminum Cap on 18" long #5 Rebar – LS 37662



VICINITY MAP

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

COUNTY COMMISSIONERS' APPROVAL:

This Plat has been accepted for filing by the San Miguel County Board of Commissioners.

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5–504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

_____
Chair

Dated this _____ day of _____, 20_____.

Attest:

_____
Clerk

TREASURER'S CERTIFICATE:

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the Property or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3–101.

Dated this _____ day of _____, 20_____.

_____
San Miguel County Treasurer

TITLE INSURANCE COMPANY CERTIFICATE:

Alpine Title Company does hereby certify that we have examined the title to the Property and that the title to this land is in the name of Collins Morehead, LLC, a Colorado limited liability company. The Property is free of all liens and taxes, except as follows:

_____
Title Insurance Company Representative

SURVEYOR'S CERTIFICATE:

I, David R. Bulson of Foley Associates, Inc., being a Colorado Licensed Professional Land Surveyor, do hereby certify that this plat and survey of SUBDIVISION EXEMPTION FOR FULLY DEVELOPED RESIDENTIAL PROPERTY OF PARCEL A AND PARCEL B, DEEP CREEK PLACER, was made by me and under my direct responsibility, supervision and checking, in compliance with the applicable provisions of Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief.

_____
P.L.S. No. 37662 *Date*

NOTES:

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

2. Easement research by Alpine Title Company, commitment No. 477CEA, dated December 29, 2014 at 02:40 pm.

3. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

4. SURVEY NOTES:

A) BASIS OF BEARINGS: The bearing of the line between the Center 1/4 Corner of Section 26 and the Center South 1/16 Corner of Section 26 was measured as N 00°22'16" E according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado. The endpoints of this line being monuments as depicted hereon.

B) LINEAL UNITS: The distances labeled on this plat are expressed in US Survey Feet and/or a decimal portion thereof.

5. The Telluride Fire Protection District approved a Fire Access / Driveway Variance for Lot 3 of the SE Plat. This Variance was approved conditioned upon developer providing either the installation of an approved residential fire sprinkler system (recommended) or a dry horizontal standpipe. Location of the connections for the dry horizontal standpipe shall be field coordinated with the Telluride Fire District prior to installation. The applicant for a Building Permit for a residence on Lot 3 shall provide a letter from the TFPD advising that the condition for granting a Fire Access (driveway) Variance has been met prior to the issuance of a Certificate of Occupancy for a residence or structure on Lot 3.

6. The existing house located within the Right–of Way for CR 62 L that is to be dedicated to the County by this Subdivision Exemption Plat, as identified on this plat shall be removed in accordance with an approved demolition permit prior to issuance of a Certificate of Occupancy for a Single–family dwelling or structure on Lot 3 of the Deep Creek Placer Subdivision Exemption Plat.

7. The existing well Permit #101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single–family Dwelling or structure on Lot 3.

8. The Onsite Wastewater Treatment System (OWTS) for Lot 3 designed by Dan Quigley, P.E., DOWL, has been reviewed and approved by Gregg Anderson, P.E., Alpine Land Consulting, LLC, demonstrating that Lot 3 is capable of accommodating an OWTS meeting current County and State regulations. This system, which will require the installation of a pump/lift station, will need to be permitted prior to issuing a Certificate of Occupancy for the Lot 3 residence. The owner of Lot 3 will be required to maintain such pumping system in accordance with the manufacturer's recommendations.

MAPS OF RECORD:

1. BLM Dependent Resurvey and Survey of Tracts in Township 43 North, Range 10 West of the New Mexico Principal Meridian approved December 6, 1988.

2. Parcels A and B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

RECORDER'S CERTIFICATE:

This Plat was filed for record in the Office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20_____, at Reception No. _____, Time _____.

_____
San Miguel County Clerk

Project Mgr: DB	Rev.	description	date	by
Technician: FO/MC				
Technician:				
Checked by:				
Start date: 01/2015				

FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

EXHIBIT A 1 – Site Plan

VON HAGEN RONOLD TSTEE
OF RONOLD VON HAGEN 07
REV TST DTD 06 15 07
Parcel ID 456326100040

JOSEPH SARGENT
PRODUCTION INC DEFINED
BENEFIT PENSION PLAN
Parcel ID 456326100041

U.S.B.L.M.

U.S.B.L.M.

LOT 4

LOT 1

U.S.B.L.M.

CENTERLINE OF
POWERLINE
EASEMENT

U.S.F.S.

DRIVEWAY TO HAVE A
MAXIMUM 12% GRADE WITH
TELLURIDE FIRE PROTECTION
DISTRICT APPROVAL

LOT 4

LOT 3

U.S.F.S.

COUNTY ROAD 62

LOT 2

ADDITIONAL
EVENT PARKING

LOT 2

Deep Creek

LOT 1

24" HIGH BERM
INSTALLED ON DOWNHILL
SIDE OF ROAD

OPEN STRIP
MINED AREA

SAN MIGUEL
COUNTY

C.D.O.T.

LEGEND

- PROPERTY LINE
- R.O.W. LINE
- DEEP CREEK

N

300 0 300

SCALE IN FEET

PRELIMINARY
FOR AGENCY REVIEW

NOTES

1. PROPERTY LINES, EASEMENT LINES AND DEEP CREEK PROVIDED BY FOLEY ASSOCIATES INC.
2. TOPOGRAPHIC SURVEY WAS COMPLETED FOR THE EAST SIDE OF LOT 3. TOPOGRAPHIC SURVEY WAS NOT COMPLETED FOR LOTS 1, 2 AND 4.
3. PROPOSED RIGHT-OF-WAY (R.O.W.) PER PLAT PREPARED BY FOLEY ASSOCIATES INC.
4. LIDAR TOPO PROVIDED BY CLIENT.

DEEP CREEK MINE -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
SITE MAP

PROJECT
DATE April 30, 2022

66

Q:\22\74290-01\65CAD\Civil\Rezoning Exhibits.dwg PLOT DATE 2016-11-11 10:51 SAVED DATE 2016-11-10 16:17 USER: dcastillo

EXHIBIT B – Proof of Ownership & Access

STATEMENT OF AUTHORITY
Collins Morehead, LLC, a Colorado limited liability company

Effective Date: December 8, 2010

1. The name of the entity for which this Statement of Authority is being executed and provided is "Collins Morehead, LLC, a Colorado limited liability company" ("**Company**").

2. The Company is a limited liability company duly formed under the laws of the State of Colorado. The initial and current "**Members**" of the Company are: Daniel Lee Collins and Laurie Lundquist Collins (together "**Collins**") and Jon Morehead and Lois Kathryn Morehead (together "**Morehead**").

3. The principal address of the Company is 26 Deep Creek Road, Telluride, Colorado 81435-3055. The mailing address of the Company is P.O. Box 3055, Telluride, Colorado 81435-3055.

4. The Company is pursuing the acquisition ("**Parcel B Transaction**") of Parcel B, Deep Creek Placer, San Miguel County, Colorado ("**Parcel B**").

5. The management of the Company is vested in "**Managers**". The initial and current Managers of Company are: Daniel L. Collins, Laurie Lundquist Collins, Jon Morehead and Lois Kathryn Morehead. Initially and only with respect to the Parcel B Transaction, the Members and Managers hereby designate, appoint and authorize Daniel L. Collins to individually execute and deliver any and all necessary and appropriate documents required to complete the Parcel B Transaction. The signature of Daniel L. Collins with respect to the documents associated with the Parcel B Transaction will be sufficient to bind the Company. In all other instances, separate and apart from the Parcel B Transaction, the signature of each of the Managers will be required to transact business on behalf of the Company.

6. In addition to the specific authority as provided for hereinabove with respect to the Parcel B Transaction, the Company states and affirms that the Managers are duly authorized to undertake any and all lawful actions deemed necessary and appropriate by the Managers for and on behalf of the Company, including, without limitation, the acquisition, leasing and disposal of real and personal property for the Company ("**Company Property**"); the acquisition and disposal of negotiable instruments; the procurement of financing for the Company; the opening, operating and administering bank accounts on behalf of the Company; the submission, processing and completion of plan and permit applications concerning the use and development of any and all Company Property; entering into contracts and agreements to retain consultants to assist in the development of any Company Property; and all other actions for which a Colorado limited liability company is authorized to undertake under applicable law.

7. The foregoing authority shall extend to and authorize the Managers to execute, deliver and, where appropriate, record instruments and documents concerning these powers, which third parties may rely upon as evidence of a duly binding and effective commitment on the part of the Company.

[Signatures appear on next pages]

Executed and Approved by the Members and Managers.

COLLINS:

By: _____ Date: 12-08-10
Daniel L. Collins, Member/Manager

By: _____ Date: Dec 8, 2010
Laurie Lundquist Collins, Member/Manager

STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8th day of December, 2010 by Daniel L. Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

_____ My commission expires 10/16/2012
Notary Public

NOTARY PUBLIC
KIMBERLY A. RISNER-TINDALL
STATE OF COLORADO

STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8 day of December, 2010 by Laurie Lundquist Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

_____ My commission expires 10/29/14
Notary Public

NOTARY PUBLIC
ANNE M. CONNOR
STATE OF COLORADO

MOREHEAD:

By: Jon Morehead Date: 12/13/10
Jon Morehead, Member/Manager

By: Lois Kathryn Morehead Date: 12/13/10
Lois Kathryn Morehead, Member/Manager

STATE OF California)
) ss:
COUNTY OF Butte)

PAMELA JOY MOODY
Commission # 1794969
Notary Public - California
Butte County
My Comm. Expires May 4, 2012

The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Jon Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

STATE OF California)
) ss:
COUNTY OF Butte)

The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Lois Kathryn Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

PAMELA JOY MOODY
Commission # 1794969
Notary Public - California
Butte County
My Comm. Expires May 4, 2012

C:\Documents and Settings\Computer\My Documents\Downloads\Statement_of_Authority.1b.doc

EXHIBIT C – Pre-Application Summary

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

March 31, 2022

Dan Collins, by email: dan.collins@asu.edu
Laurie Lundquist, by email: laurie@laurielundquist.com
Anton Viditz-Ward, by email: antonviditzward@gmail.com

Re: 1. Pre-application Conference Summary for a Special Use Permit to allow a Light Industrial, research and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events to occur at the former mine
2. Conditions of Approval for Deep Creek Placer Subdivision Exemption

Dear Dan, Laurie and Anton,

1. Lot 4, Deep Creek Placer Special Use Permit

On April 4, 2016, a pre-application conference summary letter was issued regarding rezoning Lot 4, Deep Creek Placer, from Forestry, Agriculture and Open (F) to Heavy Commercial (HC), and for a Special Use Permit to allow a light industrial, research and development facility for artisans and craftsmen and for public facilities to allow specific cultural events to occur at the former mine. On November 14, 2016, an application was received for rezoning. On April 24, 2017, the Board of County Commissioners approved the request to rezone the property. While the application for a Special Use Permit was submitted concurrent with the rezoning application, it was found to be incomplete and was not heard. On April 4, 2019, following a meeting with Planning staff, a new Pre-Application letter was issued. This letter is intended to update and replace both prior letters.

The purpose of this correspondence is to provide an updated Pre-application Conference Summary for the Special Use Permit, in accordance with San Miguel County Land Use Code Section 4-207, for a One-step Planning Commission review process to allow light industrial, research and development facilities for artisans and craftsmen, which is listed in LUC Section 5-308 B as an allowed use through a SUP review process. To potentially allow the various "cultural events" you have referred to in your vision statement for the mine and that have been occurring at the mine, the Special Use Permit application would also need to include a specific proposal and information concerning the "Public Facilities" you are seeking to have considered and potentially approved at the former mine.

As noted in the prior letter, you were working with the State Electrical Inspector to obtain permits and approval of the electrical system. You were also working with the Telluride Fire Marshal regarding development of a fire protection plan and adequacy of ventilation. Since Jim Boeckel

has retired, you will now need to contact Scoot Heidergott, the new Fire Marshal, to determine what his requirements will be. You will also need to work with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety. Since we last spoke, we have a new Building Official, Matt Gonzales, and you will need to work with him to determine if there are any Building Code compliance issues. Despite not having the Special Use Permit (SUP), commercial and industrial activities have continued to occur on the site, along with several special events. It is imperative that you obtain the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. With regards to the special events, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours needs to be provided in the application.

Submission Requirements

See Attached ***Submission Requirements***

Review Standards

See Attached ***Review Standards***

Deep Creek Placer Subdivision Exemption Plat Conditions of Approval

When the Deep Creek Placer Subdivision Exemption Plat was approved in June of 2017, Board of County Commissioners (BOCC) Resolution No. 2017-009, recorded on June 22, 2017, contained the following condition:

> 2. *The existing two-story house located within the ROW for CR 62L shall be removed prior to the issue of a Certificate of Occupancy for a Single-family dwelling or structure on Lot 3 of the Deep [C]reek Place[r] Subdivision Exemption Plat. If a Single-family dwelling is not permitted and constructed on Lot 3 within five (5) years of the date of recording of this resolution the house located in the ROW shall be removed at that time.* (emphasis added)

You have indicated that due to a number of circumstances, you are not ready to remove the house from the right-of-way by the June 22, 2022 deadline. You may submit a request to the BOCC, asking for an amendment to that condition. The request should include an explanation of why the house has not yet been removed, and propose a reasonable new deadline for the removal of the house from the right-of-way. If the BOCC approves an amendment to Resolution 2017-009, they may impose additional conditions, such as including the requirement that you enter into an encroachment or indemnification agreement and/or include the County as a named insured on a policy that meets County limits for any liability or damages that may occur as a result of the structure being in the right-of-way.

The Deep Creek Placer Subdivision Exemption Plat (Reception No. 449067) includes note 7, which states, "*The existing well Permit # 101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single-family Dwelling or structure on Lot 3.*" Per the Resolution, all Final Plat notes are considered conditions of approval. We would

strongly encourage you to proceed with placing the well in a manhole this summer to complete that condition. You will need to obtain a Special Construction Permit from the San Miguel County Road and Bridge Department for work in the CR 63L right-of-way.

Scheduling of Application Consideration

Please submit one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements. The Planning Department can then schedule the Special Use Permit for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date. This pre-application letter is valid for one year from date of letter.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

Payment of $750 for the SUP and **$275 for the Extension of the Conditions of Approval** to San Miguel County must accompany the application(s) for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,



Kaye Simonson, AICP
Planning Director

" Z:\Applications letters\Preapp\Deep Creek Mine.Lot 4.SUP.2022"

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All development applications shall include, at 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.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps which may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder

with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards for Special Uses

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

5-1002 A. Consistency with Master Plan, Land Use Polices, Zone District and Neighborhood

The Use shall be:

I. Consistent with the County Master Plan;

II. Consistent with County Land Use Policies in Article 2;

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;

V. Necessary for public convenience at the proposed location; and

VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

I. A Site plan including:

a. Ownership, Use and zoning of all adjacent Parcels;

b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;

c. Recorded and apparent easements;

d. Location and dimensions of Structures and Signs;

e. Typical elevations/Heights of such Buildings;

f. Landscaping;

g. Topography;

h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and

i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;

II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;

III. Signs - all Signs must meet Section 5-704 standards;

IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;

V. Drainage plan;

VI. Grading plan;

VII. Dust control plan;

VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

I. Weed control plan that must include use of weed free hay or straw;

II. Wildlife Plan (see Section 5-407 A. XII.); and

XI. Additional permits as necessary from other agencies.

5-1002 F. Review of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit for the approved Special Use and/or commenced the approved use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development Permits for an approved Special Use shall not be issued following the expiration of the three (3) year period, prior to the required Public Hearing.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-1002 F. I. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review in accordance with the

provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following

regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;

b. Fence is limited to 42: in height;

c. At least 12” between the top two wires or rails;

d. At least 16” between the bottom wire or rail and the ground;

e. Posts at minimum 16’ intervals;

f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;

g. Using a rail, high-visibility wire, flagging or other visual markers for the top.

h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife passage.

i. Perimeter fencing of an entire parcel is discouraged.

j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal

control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;

5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;

5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;

5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;

5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;

5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and

5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

EXHIBIT D – Calendar of Events

EXHIBIT D: Calendar of Events

Deep Creek Mine
Calendar of proposed events

- Mountain Film Burn May annual.
- Halloween Burn October potentially annual
- Winter Solstice Burn – December annual

199 guests or less.

These events center around the Burning of a wood sculpture. Also at these events are other mechanical fire sculptures, and alter, light art, live music and a DJ.

EXHIBIT F – BOCC Zoning Resolution

448198
Page 1 of 6
SAN MIGUEL COUNTY, CO
M. KATHLEEN ERIE, CLERK-RECORDER
04-24-2017 12:12 PM Recording Fee $0.00

RESOLUTION OF THE BOARD OF COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, REZONING LOT 4, DEEP CREEK PLACER SUBDIVISION EXEMPTION FROM THE FORESTRY AGRICULTURE AND OPEN (F) ZONE TO THE HEAVY COMMERCIAL (HC) ZONE DISTRICT

Resolution 2017-011

WHEREAS, the Collins Morehead, LLC, ("Applicant") owners of the Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property, totaling 46.79 acres, have applied for a Rezoning to rezone Lot 4 from Forestry Agriculture and Open (F) to Heavy Commercial (HC). The former Deep Creek Placer Limestone Mine is located on Lot 4. In 1986 the Planning Commission approved a Special Use Permit issued to B-Mining authorizing the operation of a Limestone Mine in the F Zone District located on Parcel B of the Deep Creek Placer. The County subsequently advised the State Mined Land Reclamation Division of the County's SUP approval prior to the State's issuance of its mining and reclamation permit. This agency is now known as the Division of Reclamation and Mine Safety (DRMS). It is staff's understanding from Dan Collins that all mining on the property ceased around 1995. The DRMS post mining use designation for this mine is as "Wildlife Habitat". In a September 10, 2014 email addressed to me, Dan Collins indicated that the current DRMS reclamation plan for the "post mining" reclamation requirement for "Wildlife Habitat" would require the owners to bring the site back to as "natural" a condition as possible including ripping out the access road, removing the 440 power, back filling the portals, berming and seeding the equipment apron, controlling storm runoff, etc. This has been confirmed by Lucas West, DRMS;

WHEREAS, in a January 20, 2016 letter to the SMC BOCC, Dan Collins, Managing Partner Collins-Morehead, LLC, wrote to the Board to advise them that they have applied to DRMS to amend their "post mining" reclamation plan for the Limestone Mine on their property at Deep Creek Placer and provided the County with a copy of their application to DRMS. This application advises that the applicant/operator proposes to reclaim the Limestone Mine to a "Light Industrial" use. In reviewing this letter to the BOCC and the application to the DRMS to change the reclamation plan from "Wildlife Habitat" to Light Industrial Uses Staff contacted Dan Collins, and his family members, to advise that many of the listed uses and proposed uses at the mine are not identified as either an Allowed Use or even a Use Allowed through Special Use Permit Review in the existing F Zone District, which is the zoning of the Limestone Mine property. I also explained that C.R.S. provides that any mining operator that is subject to the Colorado Mined Land Reclamation Act, such as the Collins-Morehead, LLC, is also subject to the zoning and land use authority and regulation by the political subdivision in which the permitted mining operation is located, in this case, San Miguel County. In discussing this matter and the DRMS review process for applications that propose to amend the approved post mining reclamation plan, such as the former B-Mining Limestone Mine, with DRMS representatives, it is staff's understanding that in order for DRMS to approve the application to amend the reclamation requirements the proposed post-mining use must be in compliance with the local government's zoning of the property. The proposed "light industrial" use(s) identified in the DRMS application are not allowed in the F Zone district;

WHEREAS, on March 11, 2016 the Board of County Commissioners (BOCC) held a work session at Dan Collins request to discuss the application to DRMS to reclaim the former Limestone Mine to a Light Industrial Use(s) and the county zoning and applicable Land Use Code provisions. Following that work session, Michael Rozycki, Planning Director, prepared a letter, dated March 18, 2016, addressed to Dan Collins and Lois Morehead outlining a suggested potential path forward for having their post mining plans for the mine considered through an appropriate Land Use Review process. These identified steps included having the application with DRMS placed on hold until such time as Collins Morehead have obtained County approval of the requisite rezoning from F to HC and obtaining Special Use Permit approvals so that the post reclamation plan uses that are presented to DRMS are in fact allowed uses per County Zoning and conform to the applicable provisions of the County LUC. In a March 23, 2016 email to Mr. Rozycki, Laurie Lindquist Collins stated that the Collins Morehead LCC agreed to take the actions as outlined in his March 18, 2016 letter and placed the DRMS application on hold pending county approval of the requisite rezoning and agreed to submit its rezoning application to the County and apply for a Special Use Permit(s);

WHEREAS, the Applicant submitted a "post mining reclamation plan" to the Colorado Division of Reclamation, Mining and Safety (DRMS) in December 2015 to convert the reclamation plan to a "non-commercial, light industrial facility for equipment maintenance and welding". In May of 2016 the Applicant filed another amendment to the plan to convert the mine to a "heavy commercial facility for equipment maintenance, welding and storage". In August of 2016 the Applicant requested an Extension of the amended "post mining reclamation plan" application until they could rezone the parcel to HC. The DRMS granted this extension until May 7, 2017 to allow for San Miguel County and the Applicant to arrive at a mutually acceptable course of action regarding rezoning the property. One of the stipulations for approval of the proposed mine reclamation plan that is to be reviewed and approved by DRMS is that the reclamation classification and closure plan is to conform to the applicable County Zoning and the County Land Use Code. The ultimate goal of this process is to terminate all obligations with respect to the State of Colorado and DRMS and to sunset the mining permit and reclaim the property to the heavy commercial facility uses. With regards to San Miguel County the objective is to come into compliance with the Land Use Code and establish a set of guidelines that can be used to determine the suitability and limits for future uses in accordance with the LUC;

WHEREAS, the Applicant is seeking a Rezoning of Lot 4, of the Deep Creek Placer Subdivision Exemption to rezone Lot 4 from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) to allow for Research Development, Artist/Craftsman workspace, and specific cultural events. The existing and proposed uses on Lot 4 will require various Special Use Permits. The Rezoning application was certified complete and was referred out to several referral entities and has been noticed for review and recommendation by the Planning Commission at its March 8, 2017 meeting. The Special Use Permit applications, as submitted, identify a list of specific uses that may be considered through SUP Review in the HC Zone District, have been found to be incomplete, have not been certified complete, and have not been sent to the requisite referral entities at this time. Staff has requested additional information and clarifications regarding their Special Use Permit applications and is waiting for the Applicants to revise, modify and complete their Special Use Permit applications before they may be presented to and considered by the CPC. The Planning Commission was only asked to provide a

recommendation to the BOCC regarding the proposed Rezoning of Lot 4 from F to the Heavy Commercial (HC) Zone District. There are **no** uses allowed by right in the Heavy Commercial (HC) Zone District. All Uses in the HC Zone District are only allowed subject to One-step Planning Commission Special Use Permit Review and Approval;

WHEREAS, the Deep Creek Placer and the subject parcel that is proposed to be rezoned to the HC Zone District is located approximately 7 miles west of Telluride, north of State Highway *145, across from the* County maintenance shop which is zoned Public (PUD) and the Colorado Department of Transportation (CDOT) maintenance shop, which exempt from county zoning, west of Deep Creek and CR 62L (Deep Creek Road), and is the current site of the Deep Creek Placer mine which previously has been operated as a Limited Impact (110) Operation as a limestone mining operation. It was actively mined for limestone until about 1995. The applicant states the mine has evolved to support a variety of "non-mining uses" including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. Additionally, the exterior "equipment apron", which is approximately two (2) acres in size, and part of the interior of the mine, has been used approximately four times a year for cultural events of less than 200 people associated with Telluride Arts, the Mountain Film Festival, the Deep Creek Experimental, and the Telluride Institute and other local non-profits;

WHEREAS, Rezoning applications are a Two-step Planning Commission and Board of County Commissioner review pursuant to Land Use Code Section 5-1803 Rezoning. If the parcel is rezoned to HC future uses on the parcel will require One-step Planning Commission Special Use Permit review pursuant to Land Use Code Section 5-308 B.;

WHEREAS, the Applicant states the plan is consistent with the San Miguel County Comprehensive Development Plan (Master Plan), surrounding Zone Districts, and land uses. Specifically, the property south of the subject parcel across State Highway 145 which is occupied by the County and State Highway Department road maintenance facilities. The only residential units adjacent to the mine property are owned by the Applicant. The Applicant states the rezoning would cause no excessive demands on public facilities, principally the adjacent County Road and also states that no significant impacts on the local environment will result from the proposed uses and that there are no significant impacts on local transportation or safety issues;

WHEREAS, the Applicant states the proposed zoning change provides a location for new commercial activities that will serve the local community and provide a "protected space" for a range of industrial and experimental activities. If the rezoning is approved by the Board of County Commissioners the Applicant will pursue obtaining Special Use Permits for some of the activities they envision for the property appropriate to the HC Zone District due to the associated noise and smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (kinetic fire sculptures and music events), and equipment (diesel equipment operation). In addition they are considering other HC uses such as Storage, Manufacturing, Light Industrial, Research & Development Facilities, Public Facilities (excluding those allowed in the F Zone District), Staging for Construction Contractor, and Auto Repair Shops as uses within the 65,000 sq. ft. underground portion of the facility;

WHEREAS, it is anticipated based on ongoing discussions that the Applicant may scale back on a number of the proposed special uses such as, but not limited, to an auto repair shop;

WHEREAS, the subject property is located outside of the Telluride Region Master Plan area and is within the San Miguel Canyon Master Plan. The San Miguel Canyon Area Master Plan stated Goal for Commercial uses is to locate commercial facilities, including trades, crafts and fabrications, in appropriate areas primarily to serve local and regional residences, while limiting traffic, environmental and visual impacts and maintaining rural quality of life;

WHEREAS, the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. Although some light industrial uses could be appropriate for this Zone District, heavy industrial activity would not be, and would be better accommodated through the special permit process in the Agriculture, Forestry and Open (F) Zone District. It is intended that the HC Zone District be located so that the heavy commercial activity and its accompanying noise and/or smell is compatible with neighboring land uses;

WHEREAS, the applicant posted a sign on the property and along Deep Creek Road near the highway and sent notice of the proposed rezoning application and Planning Commission meeting date to all property owners within 500 feet of the subject property. A Public Hearing Notice was published in the Norwood Post and Telluride Daily Planet on April 5, 2017;

WHEREAS, in accordance with the applicable LUC and statutory requirements, the San Miguel County Planning Commission considered the application to rezone the subject property from the F to the HC zone at a public meeting held on March 8, 2017, in Telluride, CO, at which they unanimously recommended approval of the rezoning application;

WHEREAS, the Applicant posted a sign on the property and sent notice to all property owners within 500 feet of the subject parcels and all property owners along Deep Creek Road (CR 62L to CR T60), providing information regarding the proposed application and the time and date of the BOCC meeting. A Public Hearing notice was published in the Norwood Post and the Telluride Daily Planet on April 5, 2017;

WHEREAS, LUC 5-1803 Rezoning, sets forth the criteria to be considered in the approval or disapproval of rezoning requests,

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Conflicts with any applicable Sections of the Land Use Code;

II. Is consistent with the San Miguel County Comprehensive Development Plan;
III. Is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
IV. Would result in demands on public facilities, and so would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
V. Would result in significant adverse impacts on the natural environment;
VI. Is consistent and compatible with the community character; and
VII. Would be in conflict with the public interest;

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony from the public, at a Public Hearing in Telluride on April 19, 2017;

WHEREAS, the BOCC does hereby find that there is competent evidence in the public hearing record to support the finding that LUC criteria set forth in LUC 5-1803 A., I – VII. have been satisfied, specifically, that the proposed rezoning of the subject property:

i. Does not conflict with any applicable Sections of the Land Use Code;
ii. Is consistent with the San Miguel County Comprehensive Development Plan;
iii. Is compatible with the surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
iv. Would not result in demands on public facilities, and would not exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
v. Would not result in significant adverse impacts on the natural environment;
vi. Is consistent and compatible with the community character; and
vii. Would not be in conflict with the public interest.

5-1803 B. Conditions affecting the subject parcel have sufficiently changed since the imposition of the F Zone district on the property in 1972, that the public health, safety, and welfare will be served by the rezoning of the subject property to the Heavy Commercial (HC) zone district;

5-1803 C. the effect of the proposed rezoning amendment on traffic generation and road safety will be addressed at the time the County Planning Commission or the Board of County Commissioners considers a Special Use Permit application for specific uses that may be allowed through a one or two step review process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves a Rezoning of Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) finding that the HC zoning may potentially allow some of the proposed industrial uses on a property that has been previously used for limestone mining and finds the proposed rezoning is compatible with the surrounding land uses and neighborhood characteristics, would not result in significant adverse impacts on the natural environment, or be in conflict with the public interest, and finds the application to be in compliance with the County Master Plan and the Land Use Code Sections 5-308 Heavy Commercial Zone District and 5-1803 Rezoning..

BE IT FINALLY RESOLVED that all written representations submitted in the application and all supplements are considered conditions of approval unless modified by this review process.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on April 24, 2017.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

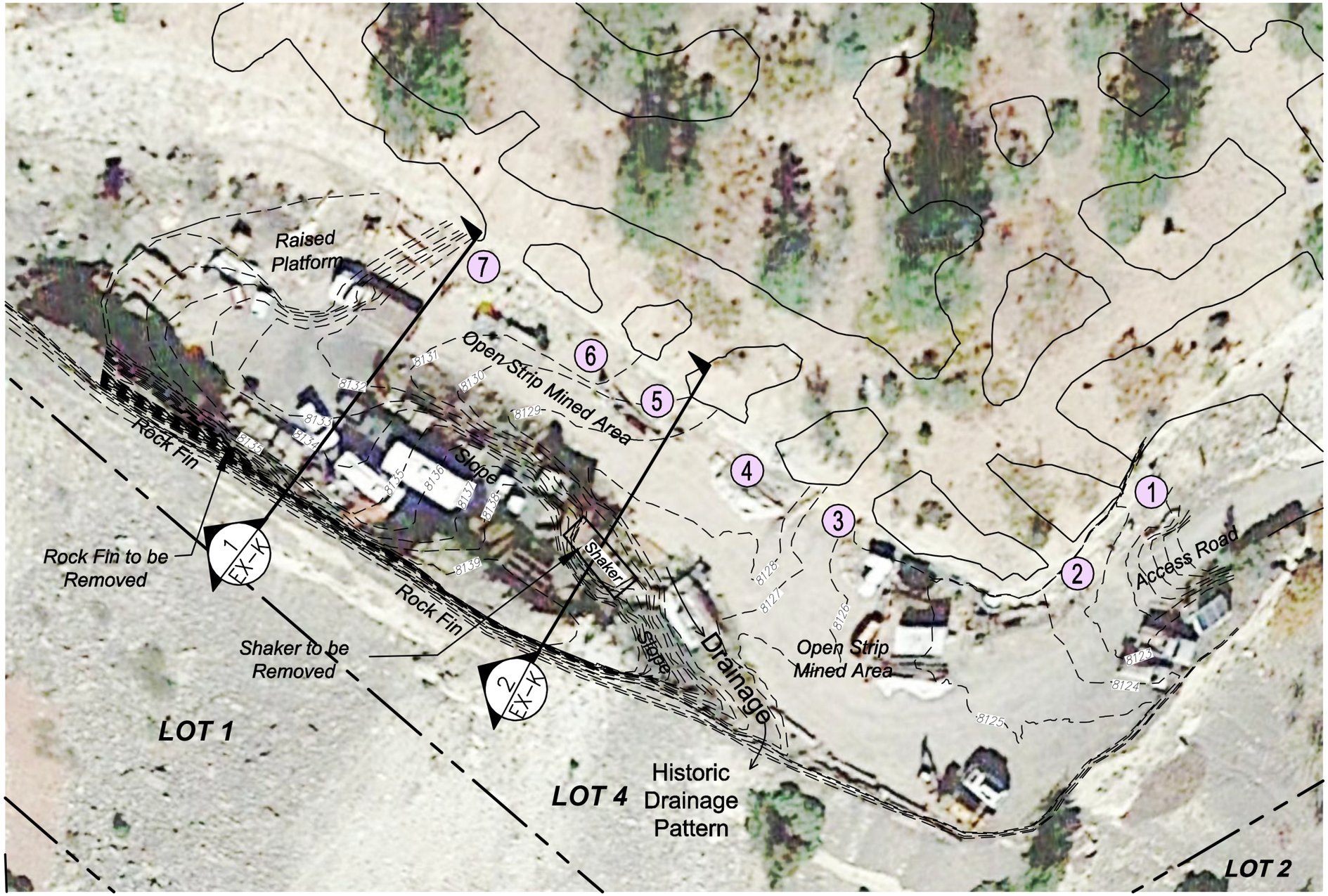
By: Joan May
Joan May, Chair

Vote:					
	Joan May	Aye	Nay	Abstain	Absent
	Kris Holstrom	Aye	Nay	Abstain	Absent
	Hilary Cooper	Aye	Nay	Abstain	Absent

ATTEST:
By: Carmen K. Wa
Chief Deputy Clerk

COUNTY CLERK CO SAN MIGUEL COUNTY

EXHIBIT E – Parking, Drainage, and Station Points



ENTRANCE KEY NOTES

1. East Portal
2. East Entrance
3. Main Entry Portal
4. 1st South Portal
5. 2nd South Portal
6. 3rd South Portal
7. 4th South Portal

N

40 0 40

SCALE IN FEET

GOOGLE EARTH AERIAL IMAGE

PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE - -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
EXISTING CONDITIONS

PROJECT
DATE May 1, 2022

93

Q:\22\74290-01\65CAD\Civil\Rezoning Exhibits.dwg PLOT DATE 2016-11-11 10:55 SAVED DATE 2016-11-10 16:17 USER: dcastillo



DAILY PARKING
SCALE: 3/32" = 1'-0"

N

REVISIONS:

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

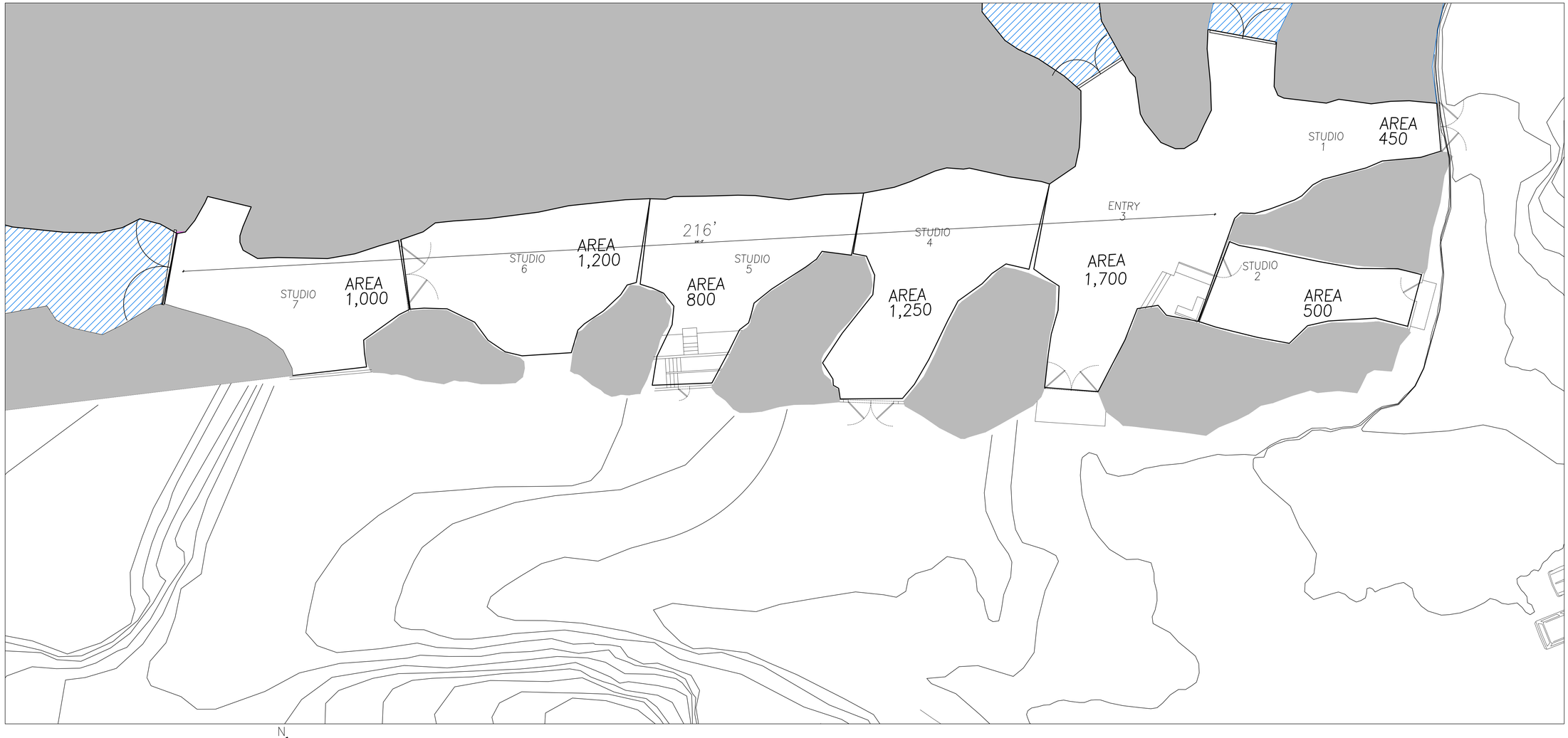
Telluride
San Miguel County
Colorado, 81435
PLANNING COMMISSION
SPECIAL USE PERMIT
OCTOBER 24, 2022

A400
DAILY PARKING PLAN

FOR REVIEW ONLY NOT FOR CONSTRUCTION

EXHIBIT F – Occupancy and Usage

REVISIONS:



LEVEL ONE PLAN

SCALE: 3/32" = 1'-0"

N

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

Telluride
San Miguel County
Colorado, 81435

REVIEW SET
SEPTEMBER 26, 2022

A005

PLAN
PHASE 1 STUDIOS

FOR REVIEW ONLY NOT FOR CONSTRUCTION

EXHIBIT G – Lighting Plan

REVISIONS:

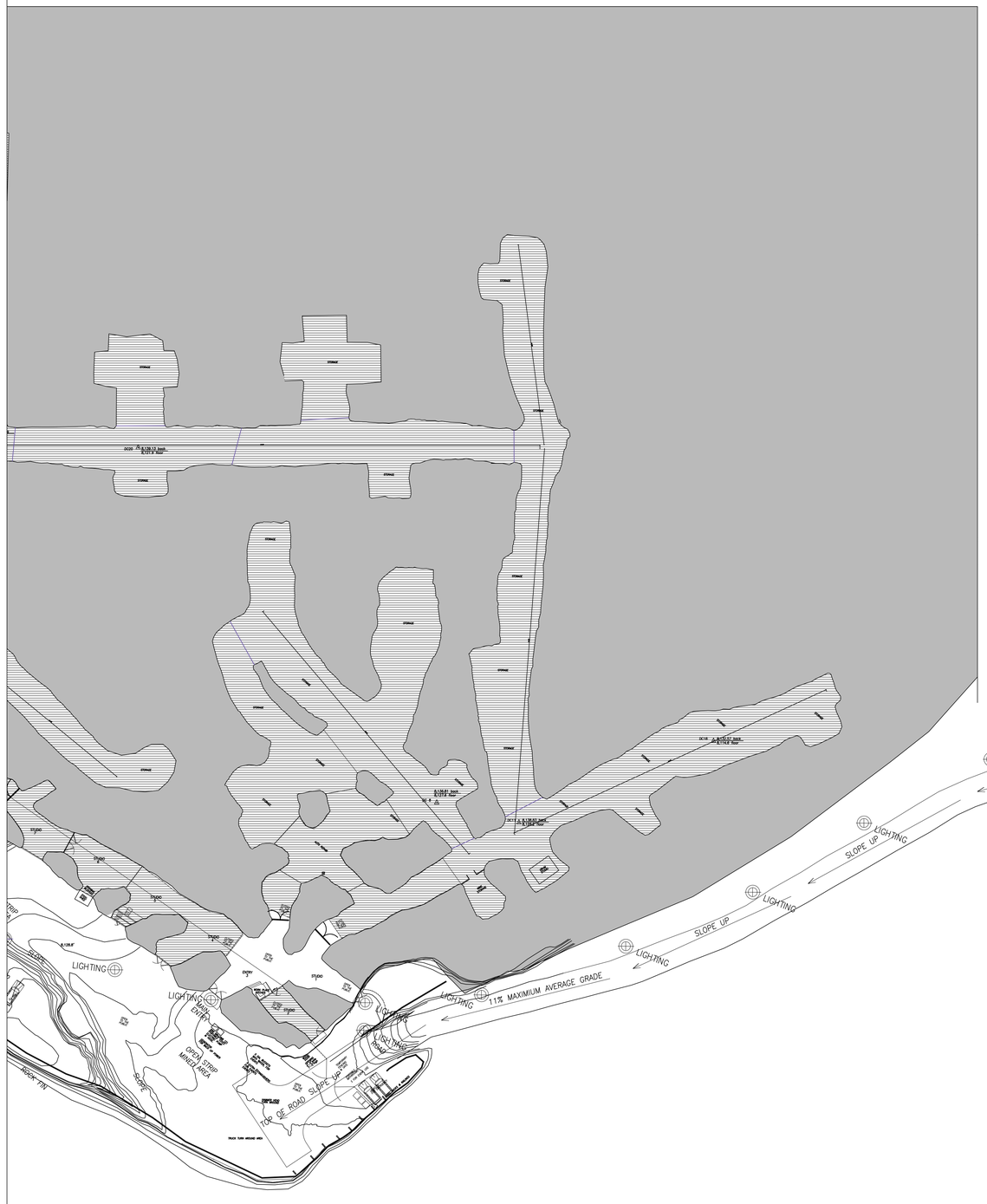
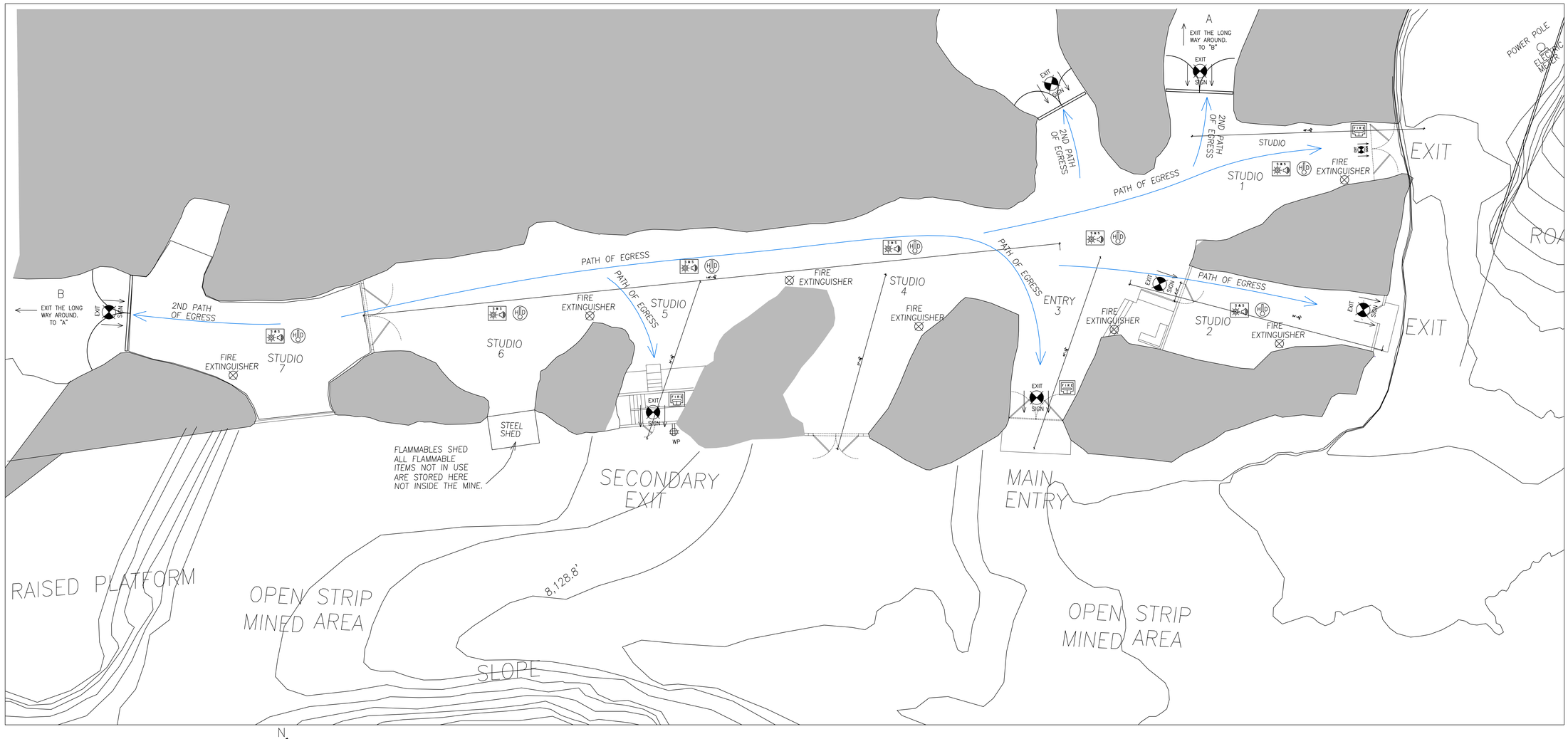

STORAGE
2020 ⚠ 8.5(8.13 inch
8.5(7.9 REV
STORAGE
STORAGE
STORAGE

EXHIBIT H – Egress & Alarm

SYMBOLS LEGEND

- 110V. DUPLEX RECEPTACLE
- 110V. DUPLEX RECEPTACLE VER. HT. ABOVE COUNTER
- 110V. DUPLEX RECEPTACLE GROUND FAULT INTERUPT
- 110V. DUPLEX RECEPTACLE WATERPROOF
- 110V. DUPLEX RECEPTACLE TOP SWITCH CONTROLLED
- 220 V. RECEPTACLE
- 110V. DUPLEX RECEPTACLE FLUSH FLOOR MOUNTED
- 110V. DUPLEX RECEPTACLE CEILING MOUNTED
- SPOT – DIRECTIONAL
- RECESSED DOWNLIGHT
- RECESSED DOWNLIGHT – VAPOR PROOF
- FIXTURE – CEILING MOUNTED (EXT. = EXTERIOR SPEC. REQ'D.)
- FIXTURE – CLG. MTD. PENDANT
- FIXTURE – WALL MOUNTED (VERIFY HEIGHT – TYPICAL)
- WALL WASH / SCONCE
- UPLIGHTING – WALL MTD.
- 110V. QUAD RECEPTACLE TOP SWITCH CONTROLLED CEILING MOUNTED
- 110V. QUAD RECEPTACLE
- LED LIGHTS WP
- EXIT SIGNS AND EMERGENCY LIGHTING
- FIRE PULL STATION
- HEAT DETECTOR
- STROBE AND SOUND ALARM
- STRIP LIGHTING
- BOLLARD LIGHTS
- SWITCH @ DOOR
- $ SINGLE POLE SWITCH
- 3 THREE WAY SINGLE POLE SWITCH
- 4 FOUR WAY SINGLE POLE SWITCH
- MS MOTION SENSOR SWITCH
- S SMOKE DETECTOR
- ELECTRIC METER
- MAIN ELECTRICAL PANEL



LEVEL ONE PLAN
SCALE: 3/32" = 1'-0"

N

REVISIONS:

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

Telluride
San Miguel County
Colorado, 81435

REVIEW SET
SEPTEMBER 26, 2022

A401
FIRE SAFETY PLAN
PHASE 1 STUDIOS

FOR REVIEW ONLY NOT FOR CONSTRUCTION

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 7
1	"FLOOR AREA" NET SQ FT	1004.5	1000
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	10
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	26'
9	EXIT SEPERATION	ACTUAL	49'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	11'-10"
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 6
1	"FLOOR AREA" NET SQ FT	1004.5	1200
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	13
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	26'
9	EXIT SEPERATION	ACTUAL	50'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	11'-10"
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

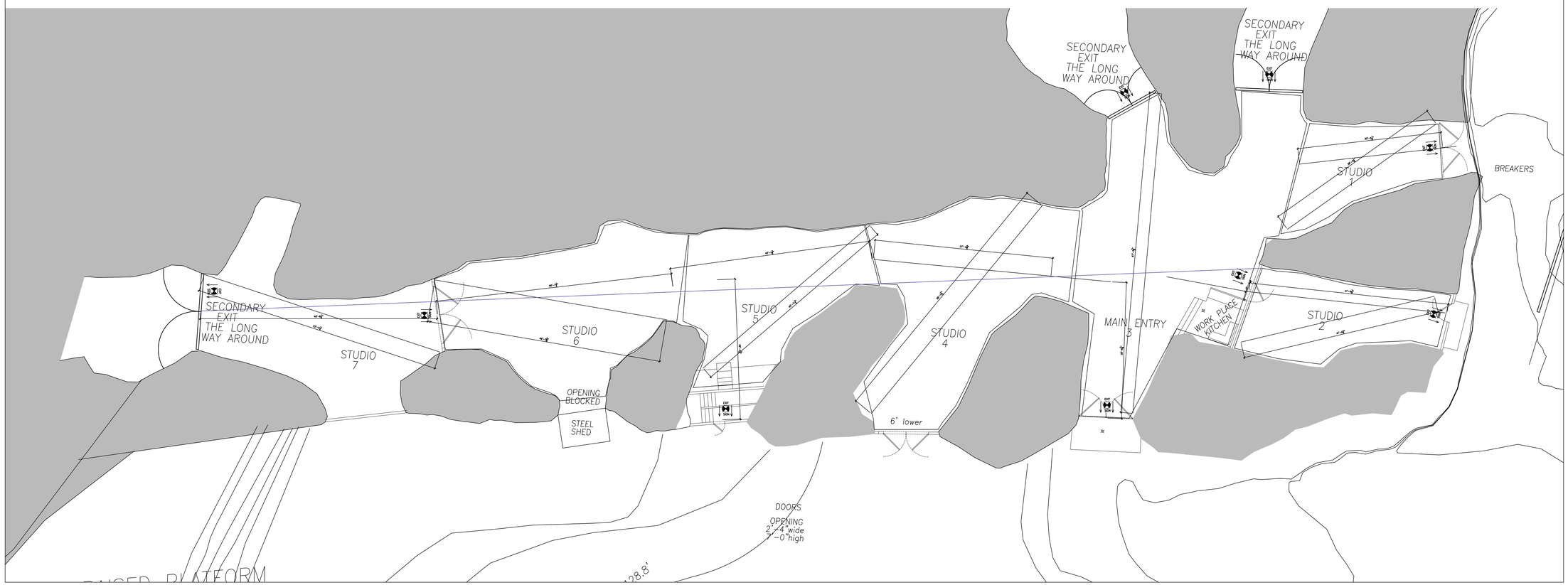
EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 5
1	"FLOOR AREA" NET SQ FT	1004.5	900
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	9
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	23'
9	EXIT SEPERATION	ACTUAL	42'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	11'
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 4
1	"FLOOR AREA" NET SQ FT	1004.5	1,250
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	13
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	28'
9	EXIT SEPERATION	ACTUAL	37'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	11'
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 3
1	"FLOOR AREA" NET SQ FT	1004.5	1,700
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	13
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	5
8	1/2 DIAGONAL DISTANCE	1007.1	34'
9	EXIT SEPERATION	ACTUAL	45'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	10'
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 1
1	"FLOOR AREA" NET SQ FT	1004.5	450
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	5
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	19'
9	EXIT SEPERATION	ACTUAL	30'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	48"
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–

EXIT INFORMATION			
#	CODE SECTION/ AREA NAME	SECTION	STUDIO 2
1	"FLOOR AREA" NET SQ FT	1004.5	500
2	OCCUPANCY TYPE-DIV	306.2	F-2
3	OCCUPANCY USE	T 1004.5	INDUSTRIAL
4	FLOOR AREA IN SF / OCCUPANT	T 1004.5	100 GROSS
5	OCCUPANT TOTAL	#1 / #4	6
6	MIN EXIT /OCC LOAD	1006.2.1	49
7	NUMBER OF EXITS	PROVIDED	2
8	1/2 DIAGONAL DISTANCE	1007.1	20'-6"
9	EXIT SEPERATION	ACTUAL	41'
10	MINI EGRESS WIDTH REQD / ACTUAL	44"	48"
11	MIN STAIR WIDTH REQD / ACTUAL	44"	–



EXIT EGRESS PLAN

SCALE: 3/32" = 1'-0"

N

REVISIONS:

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

Telluride
San Miguel County
Colorado, 81435
PLANNING COMMISSION
SPECIAL USE PERMIT
OCTOBER 24, 2022

A402
FIRE EGRESS PLAN
PHASE 1 STUDIOS

FOR REVIEW ONLY NOT FOR CONSTRUCTION

EXHIBIT I – Ground Control (Structural Engineering)

B.K. Briggs & Associates, LLC.
2019 Otter Pond Circle
Montrose, CO 81401

P: 970.596.1982
E: bbriggs@bkbassoc.com

Deep Creek Mine
Ground Control Study

September 21, 2022

Dan Collins
Deep Creek Mine
26 Deep Creek Road
PO Box 3055
Telluride, CO 81435

RE: Ground Control Recommendations

Summary

B.K. Briggs & Associates conducted a site visit and ground control survey of the Deep Creek Mine on August 23, 2022. The baseline results of this survey are discussed herein along with recommendations for improvements based on our understanding of the current and future use of the underground workings by the owners. The survey was conducted by Brian K. Briggs, P.E. and Travis Leach, P.E., mining engineers registered to work in the State of Colorado. They were assisted by Dan Collins owner of the mine and Anton Viditz-Ward current operator of the facilities.

The existing working consist of 7 portals and approximately 2,545 feet of underground drifts and crosscuts. Drift height measurements were taken at various locations through the mine corresponding with ventilation mapping and drift widths were pulled from AutoCAD drawings of the mine supplied by the owner.

The objective for the study was to determine minimum ground control recommendations based on underground dimensions and geological and geotechnical data currently available. No core drilling or geotechnical lab work to determine rock compressive strengths has been completed for this project though it is recommended this be completed in the future to confirm and refine current estimates.

Geology

A literature search was undertaken to determine geological and geotechnical data of the two geologic formations encountered in the Deep Creek Mine. The Pony Express limestone was mined extensively and was the obvious economic resource which was shipped to the Nucla power plant for use in the flue gas scrubbers as well as earlier and later use as an amendment for mine waste near Telluride and Uravan. This limestone formation is conformably overlain by the Bilk Creek sandstone which acts as a rock beam

above the open mine workings.

In almost all cases the previous miners left a portion of the Pony Express limestone in place ranging from 1 foot to over 5 feet. The Pony Express averages over 18 feet in thickness and the Bilk Creek over 20 feet above the mine workings. Jointing patterns and estimates of rock quality index were estimated for the Bilk Creek and Pony Express to extrapolate rock support required using the Barton Q-system method.

Existing Ground Control

The Deep Creek Mine's existing ground control is made up of spot bolting with 2-foot micky bolts. The mine has remained open and relatively free from rockfall events since it was first mined though obvious signs of spalling the larger openings around intersections was evident.

A value for Q is derived from data collected during the site visit. For the purposes of this study, we have estimated a conservative Q value of 6.25. All ground support requirements formulated for the Deep Creek Mine fall into categories 1 and 3 in Figure GC-1below.

Figure GC-1. Rock Mass Quality and Rock Support

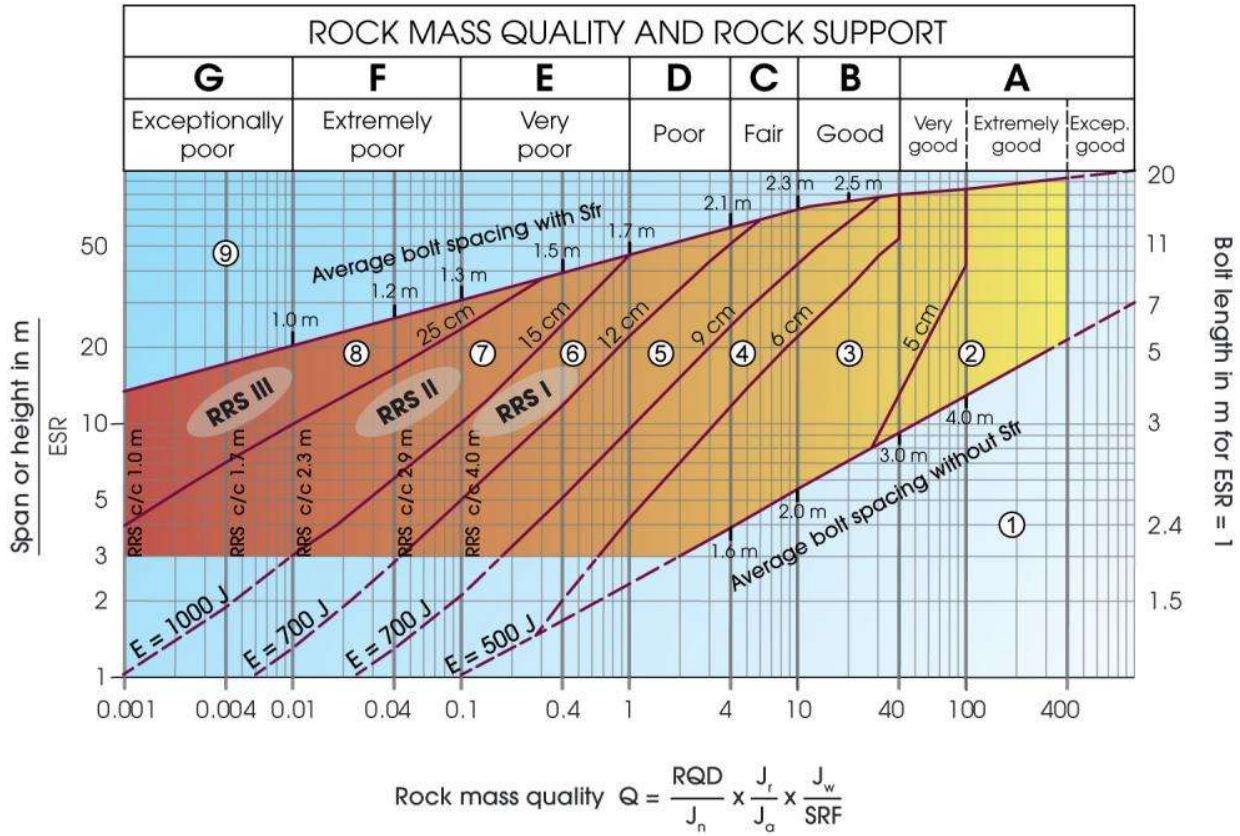


Table GC-1 given below given the rock-bolt spacing as a function of span distance for the mine for the estimated Q value of the rock. Exact locations of Ground support recommendations are shown in drawings GC-1 and GC-2 for all phases.

Table GC-1. Ground support requirements as a function of span distance:

Description	Q = 6.25 Span (ft)							
	0-5	5-10	10-15	15-20	20-35	35-40	40-45	45-50
Bolt Spacing (ft)	6.60	5.75	5.25	7.50	7.50	7.50	7.50	7.50
Bolt Type	Friction	Friction	Friction	Dywidag	Dywidag	Dywidag	Dywidag	Dywidag
Bolt Length (ft)	6.00	7.00	8.00	8.00	8.00	8.00	8.00	8.00
Shotcrete Thickness (in)	N/A	N/A	N/A	2.00	2.00	2.00	2.00	2.00

Phase 1

Phase 1 ground support will focus on the areas around the portals and the studios in the Southern area of the mine where existing underground activity is evident. Phase 1 covers approximately 7,466 sq.ft. of the Studio area. Of this 2,173 sq.ft. are spans of 15 feet or less and will only require 6-foot and 8-foot split sets and wire mesh. 5,293 sq.ft. of the studio spaces will require 8-foot Dywidag bolts and mesh due to the span lengths. Intersections of the studio spaces are the most at risk for rock fall and should be addressed first.

For spans between 0 and 15 feet, in areas where visitors / public will not have access, spot bolting is the only ground support required. Refer to Drawing GC-1 for Phase 1 Ground Control. For the studio spaces where spans exceed 15 feet, ground support will consist of split set rock bolts, Dywidag bolts, and wire mesh. Wire mesh shall be placed on the back and ribs, down to 5 feet above the floor. This will prevent rockfall from above head height. Wire mesh will be secured to ribs by 2-foot micky bolts. Micky bolts will also be used to snug the wire mesh to the back between the 8-foot bolts.

Ground support in Phase 1 is designed to allow Deep Creek Personnel and qualified contractors to safely work in the studio / portal region of Deep Creek. All personnel and qualified visitors should wear minimal personal protective equipment (PPE) when underground. Minimal PPE would include but not be limited to wearing a hard hat and cap lamp. Cap lamps may not be required in lighted areas which have emergency lighting. It is also recommended that steel-toed boots and safety glasses be used. Please see recommendations in the Ventilation report on the use of a W65 self-rescuer in poorly ventilated areas.

Phase 1a

Phase 1a is optional and is included to allow visitors and workers at Deep Creek Mine to enter these areas without required PPE. Phase 1a ground support includes all support from Phase 1 and adds spot shotcrete to areas where the span is greater than 15 feet and ground conditions warrant. Shotcrete will be applied at a minimum of 2" thickness over wire mesh. Shotcrete will only be applied to areas from Phase 1 where spans were greater than 15 feet and Dywidag bolts were used. Refer to Drawing v1 for Phase 1a Ground Control.

Phase 2

Phase 2 ground support includes all the provisions from Phase 1 or Phase 1a in addition to bolting and supporting the drifts that go around the perimeter of the mine. Only authorized persons shall access Phase 2 areas and are required to have PPE and a gas monitor when in these areas. Ground support will be dictated by ground conditions only and will consist of spot bolting with 6-foot split sets or 8-foot Dywidag bolts and some areas will require wire mesh.

Phase 3

Phase 3 ground support focuses on dead end headings and other areas of the mine where personnel will not access often. Phase 3 covers an area of 46,930 sq.ft. This support is designed to keep the spaces open for storage and potential future uses. Phase 3 will consist of primarily spot bolting with 6-foot split sets and 8-foot Dywidag rock bolts and portions with wire mesh. Spot shotcrete will be applied to pillars in areas where the span is greater than 15 feet at a minimum of 2" thick.

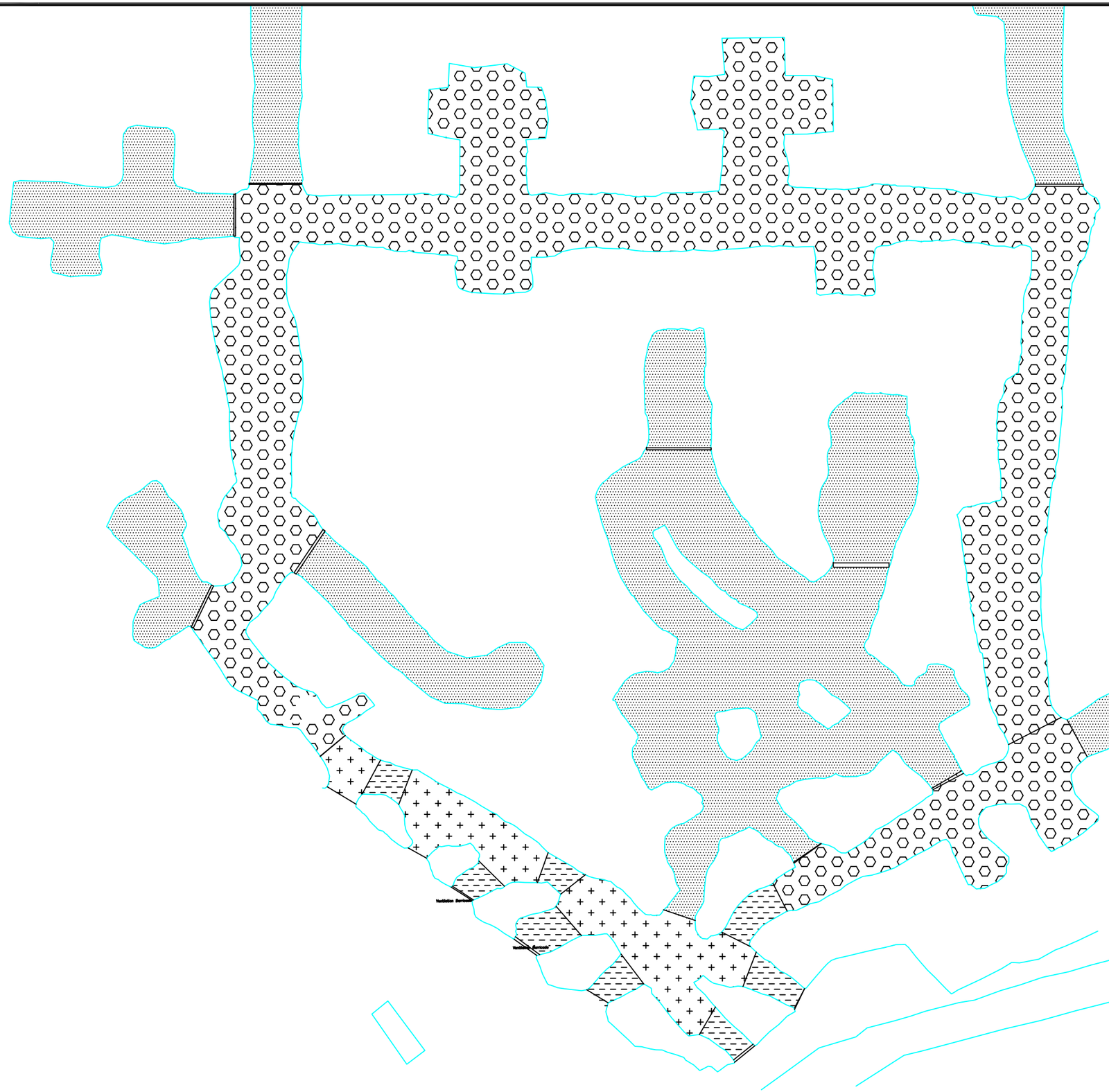
Further Recommendations

Phase 1 ground control recommendations above should be followed for all future areas where ventilation has advanced to allow daily access. For example, should Phase III or Phase IV ventilation plans be installed the same ground support given in Phase 1 should be installed concurrently. In all areas where shotcrete has not been applied minimal PPE should be required for all workers/visitors.

Ground control should be inspected on a frequent basis of not less than once per week. Inspections should focus on areas where rock-spalling is evident and rock baskets behind the wire mesh accumulate. Rock baskets should be cut out and new wire mesh installed in areas where baskets exceed 1 cubic foot of material. Wire mesh should adhere closely to the ribs and back of drifts and when spalling pushes the wire away from the rock face maintenance of the ground control will be required.

It is recommended that a full inspection and report of installed ground control occur on a yearly basis by a qualified individual with experience in the design, installation, and maintenance of ground control. This could be either by a licensed mining engineer or experienced miner.

It is also recommended that current estimates of rock quality and Q development be followed up with core drilling to obtain samples for unconfined and confined compressive strength triaxial tests. Testing along with further evaluation of jointing patterns of the ribs by sampling 4 to 6 areas throughout the mine will allow a refined Q and may decrease the bolt patterns given for future development.



LEGEND

- Air Door
- Vent Fan
- P1 GC Split Set
- P1 GC Dwyidag
- P1a Ground Control
- P2 Ground Control
- P3 Ground Control

Engineer's Certification

I, Travis Austin Leach, being a Registered Professional Engineer in the State of Colorado, do hereby certify that this drawing has been completed by me or under my direct supervision and that it is true and correct to the best of my knowledge and belief.

B.K. BRIGGS & ASSOCIATES
2019 Otter Pond Circle
Montrose, CO 81401
(970) 596-1982
bbriggs@bkbassoc.com

DATE	REVISION

Deep Creek Experimental Ground Control Phase 1-3

Drawing No.: V1

DATE: 09-14-2022	DRAWN BY: TAL
	APPROVED BY: BKB
FILE: Deep Creek Ventilation Map.dwg	

EXHIBIT J – Ventilation Plan

B.K. Briggs & Associates, LLC.
2019 Otter Pond Circle
Montrose, CO 81401

P: 970.596.1982
E: bbriggs@bkbassoc.com

Deep Creek Quarry
Ventilation Study

September 14, 2022

Deep Creek Mine
26 Deep Creek Road
PO Box 3055
Telluride, CO 81435

RE: Result of Survey and Recommendations

Summary

BK Briggs & Associates conducted a site visit and ventilation survey of the Deep Creek Mine on August 23, 2022. The baseline results of this survey are discussed herein along with recommendations for improvements based on our understanding of the current and future use of the underground workings by the owners. The survey was conducted by Brian K. Briggs, P.E. and Travis Leach, P.E., mining engineers registered to work in the State of Colorado. They were assisted by Dan Collins owner of the mine and Anton Viditz-Ward current operator of the facilities.

Measurements for airflow and tunnel dimensions were taken at 6 locations. The existing workings consist of 7 portals, and approximately 2,545 feet of underground workings. Airflow quantities were determined by performing full section vane anemometer traverses or centerline smoke tube measurements and multiplying by a measured cross-sectional area.

Following the survey modeling, four phases of proposed development were modeled with recommended ventilation for each. Drawings V1 through V4 show the recommended modifications or each phase.

Existing Conditions

The current airflow for Deep Creek is provided by natural ventilation and is adequate for current activities under most conditions. There are 7 portals along the South-Western edge of the project. Each of these portals constitutes an entry way to the underground areas as well as rental studio space for artists and other tradesman. Deep Creek

personnel stated that they have not observed a reverse in the direction of airflow with the change of seasons as is commonly expected at underground mines. Though the size of the openings and the minimal ventilation flowing under current conditions it would be very hard to ascertain air flow without proper equipment.

With all current access portals open the air flow provided by natural ventilation is enough to support a maximum of 12 people underground at any given time. With all but two portals closed the air velocity increased enough to support up to 32 people underground. When welding or other activities, that produce potential harmful gases or particulates or reduce oxygen levels, capacities may be reduced. The results of these activities were not modeled. Table V-1 below the results of the ventilation survey.

Table V-1. Ventilation Survey Results

Station	Width	Height	Air Doors Open			Air Doors Closed			Safety	OSHA People UG	
			Temp	Velocity	Flow	Temp	Velocity	Flow	Factor	Open	Closed
1	13	18.5	21	20	4,810.00	12	61.7	14,830.80	2	12	37
2	18	14	17.1		0	12.2	51	12,852.00	2	0	32
7	16	12	15.9	25	4,800.00			0	2	12	0
3	25.5	18			0			0	2	0	0
4	23	18	16.6	15.8	6,536.80		50	20,700.00	2	16	51
5	27.5	17	15.4	13	6,097.80			0	2	15	0
6	16.5	19	14.7	23.1	7,234.60			0	2	18	0

Phase 1 Development (Current Use)

For the Phase 1 development (current usage) we are proposing several changes to air door and brattice cloth locations (commonly known as stoppings); the purchase and installation of a 10 HP Ventilation Fan with accompanying shroud, silencer, and variable speed drive; and the installation of barricades to prevent unauthorized entry to unventilated spaces of the mine. The fan would be installed at the Western most portal, and will provide ventilation to the east, exhausting out of the 2 eastern most portals. Fans would be purchased as “twins” meaning that a second fan of the same specification and size would be added for the upcoming phases instead of having to replace equipment with each phase. Refer to drawing V1 for ventilation flow and fan location.

Phase 1 provides adequate ventilation for the existing studio spaces only, allowing the current studios to operate with existing usage. All other areas of Deep Creek would be accessible only by qualified personnel that are trained and equipped with appropriate Personal Protective Equipment (PPE). PPE would include but not be limited to hard hats, W65 self-rescuers and hand-held gas monitors able to monitor O_2, and CO at a minimum. A MX4 model gas monitor manufactured by Ventis or similar product is recommended.

When the air temperature gradient between the mine workings and outside approaches zero, application of the ideal gas law shows that there is a possibility of stagnant natural ventilation (not enough flow through the mine to provide adequate natural ventilation under OSHA). A fan is recommended for Phase 1 whenever temperature variance is less

than 40 degrees and required under conditions where the gradient is less than 20 degrees.

Phase 2 Development

Phase 2 development allows minimum ventilation in a circular loop in the main workings. It is expected that this ventilation will only be turned on for intermittent access to the main circular access drift around the mine. During Phase 2, all Phase 1 spaces would continue to function as in Phase 1 and the fan in Phase 1 would remain in place.

For Phase 2 we recommend that the 10 HP fan will be moved to behind the air door on the west edge of the studios. This fan will draw air in from vent bag run out of the western most portal, and push ventilation in a clockwise direction around the premier of the mine. The ventilation will rejoin the studio spaces at the South-Eastern most studio. Phase 2 does not ventilate the interior / central areas of Deep Creek. Those areas will be off limits during phase 2. Refer to drawing V2 for ventilation flow and fan locations under Phase 2.

Phase 3

The primary goal of phase 3 is developing a new ventilation intake at the lowest elevation and eastern most edge of the project. This would allow for some elevation gain between inlet and exhaust which improves natural ventilation as well. The Phase 3 fan location would stay the same, however the fan would be reversed so it will pull air through the mine, and exhaust through the fan at the westernmost portal. Ventilation path is from the newly developed intake, towards the South-West, and exhausting through the westernmost studio portal.

Three new air doors will be installed to block airflow around the back of the mine, and into the storage areas in the central area of the project. Refer to drawing V3 or ventilation flow and fan locations under Phase 3.

As with Phase 1 and 2 when the air temperature gradient between the mine workings and outside approaches zero, application of the ideal gas law shows that there is a possibility of stagnant natural ventilation. A fan is recommended for Phase 3 whenever temperature variance is less than 40 degrees and required under conditions where the gradient is less than 20 degrees.

Phase 4

Phase 4 ventilation will provide airflow to all areas of the Deep Creek Project. The air intake will remain unchanged from Phase 4. A new portal will be developed out of the first cross cut to the North East of the eastern studio portals, and will be the location for

the Phase 4 exhaust fan. Air will flow in from the eastern most edge towards the south. A new air door will be installed immediately to the east of the portal to direct the ventilation to the north and around the mine in a counter-clockwise direction. Air will be pulled across the studio spaces, then up through the central storage area before it is finally exhausted out of the wine storage portal. Several ventilation barricades will be created in the storage areas to guide air along the longest path. Refer to drawing V4 for ventilation flow and fan locations. Unlike previous phases, due to the length of the ventilation flow path, the fan should be always operated when personnel access the underground workings.

Table V-2. Summary of Ventilation Phases

Description	Phase 1	Phase 2	Phase 3	Phase 4
Ventilated Area	7,312	44,860	53,130	87,230
Avg. Height	16	22	22	22
Volume	116,986	986,920	1,168,860	1,919,060
IBC 1203.1	584,929	4,934,600	5,844,300	9,595,300
CFM Requirements	9,749	82,243	97,405	159,922
Factor of Safety	1.75	1.75	1.75	1.75
OSHA Allowed Persons	28	235	278	457

Note: Areas were provided by Anton Viditz-Ward of Deep Creek Experimental

Fan Selection

For airways in which frictional pressure drop and airflow quantities were measured, the Square Law was utilized to calculate resistance to airflow, as given below in Equation 1:

Equation 1: $R = p/Q^2$
Where: R = resistance (milli inch w.g. / kcfm^2)
p = frictional pressure drop (milli inch w.g.)
Q = airflow (kcfm)

A resistance to airflow was computed for each branch in the ventilation network schematic. Where frictional pressure differential data was not available, branch resistances were computed using the Atkinson's equation, as given below in Equation 2:

Equation 2: $R = k(L+L_e)P_{er}/52A^3$
Where: k = friction factor (lb min^2 / ft^4 x 10^{10})
L = length of airway (ft)
L_e = equivalent length of shock loss (ft)
P_{er} = flow permitter (ft)
A = cross-sectional area (ft^2)

For the fan selection at the Deep Creek project a k value of 75 was used. A Jetair Axial Flow P-4-C was determined to meet the ventilation requirements for the Deep Creek mine. The variable drive will allow the fan to operate more efficiently in the early stages of the project and reduce energy use. A fan curve for this fan is attached in Appendix A.

Table V-3. Fan Requirements

Description	Phase 1	Phase 2	Phase 3	Phase 4
k	7.5E-09	7.5E-09	7.5E-09	7.5E-09
Perimeter	72	72	72	72
Area	320	320	320	320
Length	250	1,300	1,577	1,955
Air Velocity	30	257	304	500
Friction Loss	0	0	0	0
Fan HP	0	0	1	4

Note: A 10 hp fan is required in Phase 1 and Phase 2 to provide adequate air flow in certain conditions. This same fan will be re-used in Phase 3

Further Recommendations

Installation of the recommended air doors, stoppings and fans for each phase will improve ventilation at the Deep Creek facility however this cannot fully ensure that proper ventilation for human access is available during certain periods. These would include events outside near air intakes that reduce oxygen supply or create harmful or noxious gases which may be ventilated into the workings. We have not modeled the use of the facility by large events in which a significant number of people access the facility. Though our recommendation below regarding monitoring would provide the owners a path forward to the use of the facility for such events.

We highly recommend that a monitoring program be immediately implemented with the use of hand-held monitors routinely calibrated according to manufacturers recommendations. The monitoring program would include but not be limited to a daily monitoring program where a qualified individual would take readings at the start and end of each day/shift in all areas where personnel are active. A log of these readings should be placed outside the underground facilities and be open for inspection by any regulatory agency including OSHA and County personnel.

Additionally, we recommend that during any daily activities that may produce gases or reduce oxygen levels a hand-held monitor be attached to individuals conducting such activities or within a short distance away typically 5-10 feet. We also recommend that any special events held in the facility that may include more than 30 people at any one time also provide for individuals trained in the use of such monitors be stationed underground during events. Additional recommendations for PPE use underground are also provided in the ground control plan.

Training Programs

It is highly recommended that prior to any use of the facility by inexperienced individuals an emergency escape plan be developed and that all workers and guests be trained in proper means of exit from the underground workings in case of a fire or rockfall. It is also highly recommended that a short training program for any guests in the proper use of PPE be established especially for those individuals that may access poorly ventilated workings or areas where ground control is not fully installed.

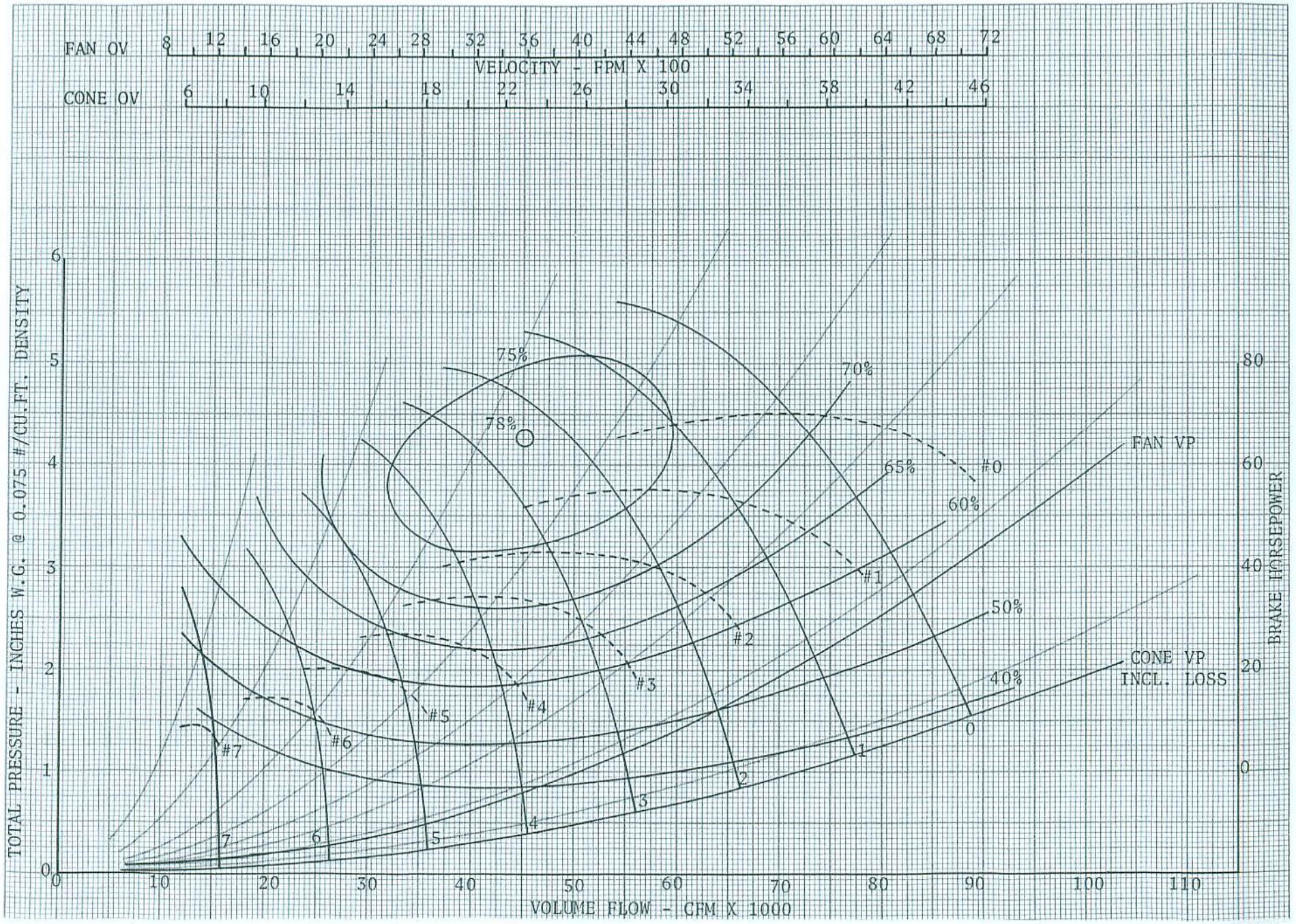
Appendix A

Ventilation Fan Curve

Jetair Axiflow Fan

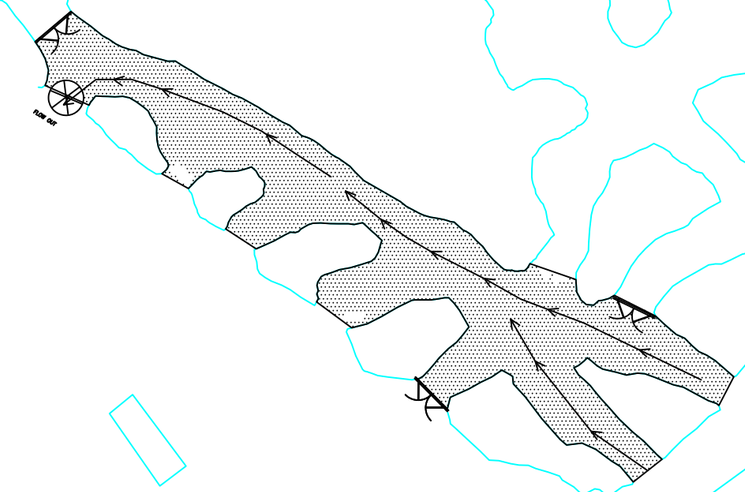
Model P-4-C

48" x 26" x 1200 RPM



LEGEND

- Air Door
- Vent Fan
- Vent Area
- Vent Barricade



Engineer's Certification

I, Travis Austin Leach, being a Registered Professional Engineer in the State of Colorado, do hereby certify that this drawing has been completed by me or under my direct supervision and that it is true and correct to the best of my knowledge and belief.

B.K. BRIGGS & ASSOCIATES
2019 Otter Pond Circle
Montrose, CO 81401
(970) 596-1982
bbriggs@bkbassoc.com

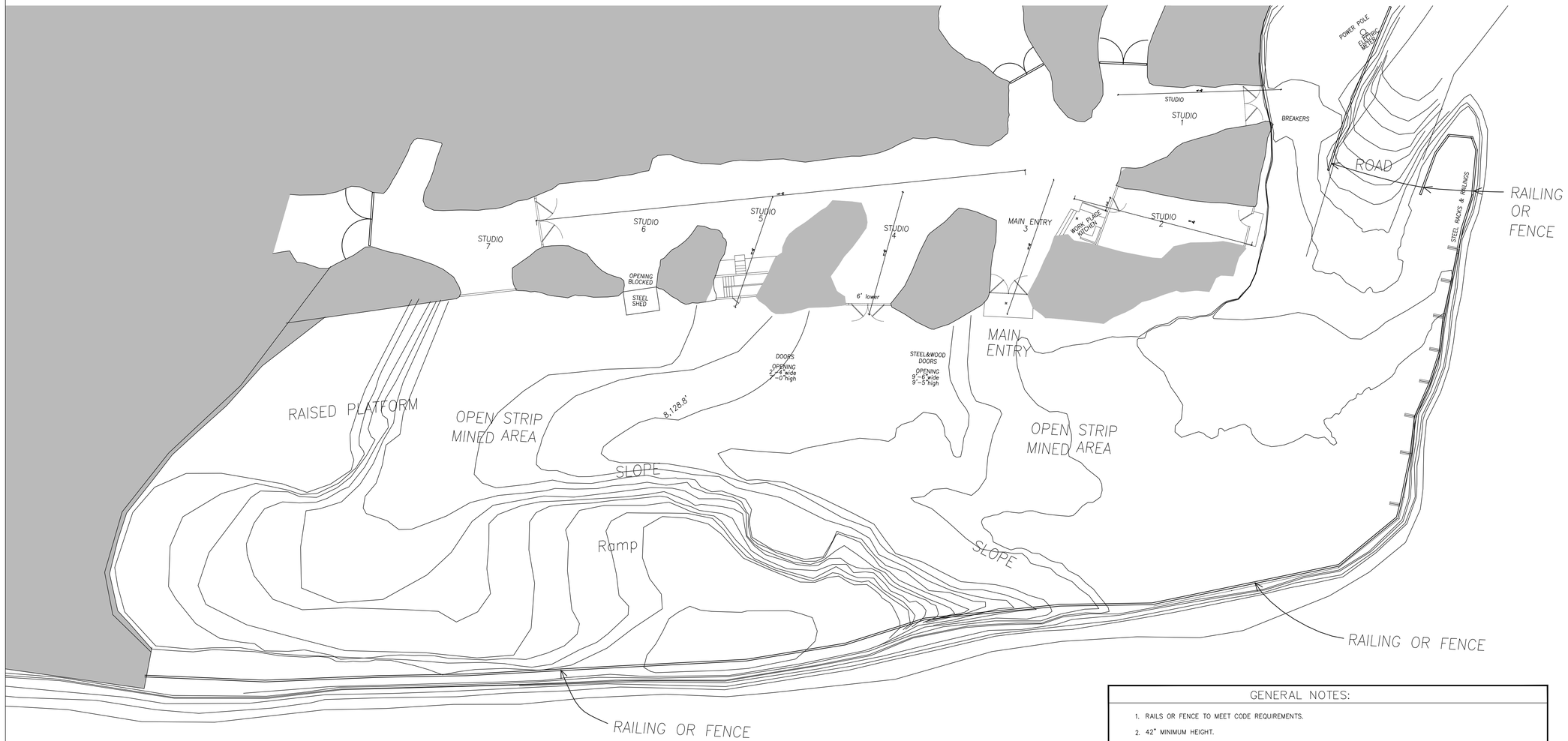
DATE	REVISION

Deep Creek Experimental Ventilation
Phase 1

Drawing No.: V1

DATE: 09-14-2022	DRAWN BY: TAL
	APPROVED BY: BKB
FILE: Deep Creek Ventilation Map.dwg	

EXHIBIT K – Fencing & Rail Plan



GENERAL NOTES:

1. RAILS OR FENCE TO MEET CODE REQUIREMENTS.
2. 42" MINIMUM HEIGHT.
3. 4" SPHERE TO SHOULD BE UNABLE TO PASS THROUGH ANY GAP IN THE RAILING SYSTEM.

LEVEL ONE PLAN

SCALE: 1/16" = 1'-0"

N

REVISIONS:

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

Telluride
San Miguel County
Colorado, 81435
PLANNING COMMISSION
SPECIAL USE PERMIT
OCTOBER 24, 2022

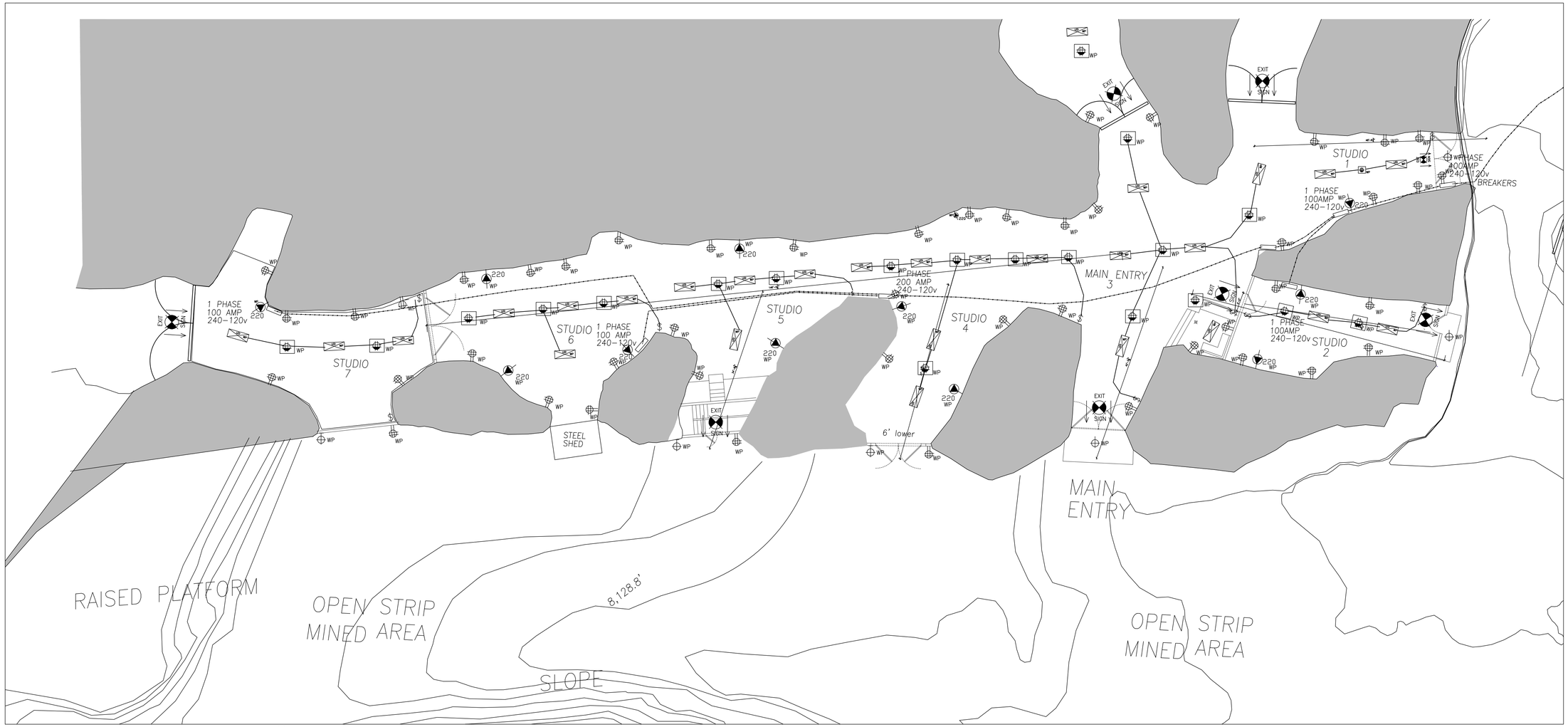
A403
RAILINGS PLAN
PHASE 1 STUDIOS

FOR REVIEW ONLY NOT FOR CONSTRUCTION

EXHIBIT L1 & L2 – Electrical Plan & State Electrical Permit

SYMBOLS LEGEND

- 110V. DUPLEX RECEPTACLE
- 110V. DUPLEX RECEPTACLE VER. HT. ABOVE COUNTER
- 110V. DUPLEX RECEPTACLE GROUND FAULT INTERUPT
- 110V. DUPLEX RECEPTACLE WATERPROOF
- 110V. DUPLEX RECEPTACLE TOP SWITCH CONTROLLED
- 220 V. RECEPTACLE
- 110V. DUPLEX RECEPTACLE FLUSH FLOOR MOUNTED
- 110V. DUPLEX RECEPTACLE CEILING MOUNTED
- SPOT – DIRECTIONAL
- RECESSED DOWNLIGHT
- RECESSED DOWNLIGHT – VAPOR PROOF
- FIXTURE – CEILING MOUNTED (EXT. = EXTERIOR SPEC. REQ'D.)
- FIXTURE – CLG. MTD. PENDANT
- FIXTURE – WALL MOUNTED (VERIFY HEIGHT – TYPICAL)
- WALL WASH / SCONCE
- UPLIGHTING – WALL MTD.
- 110V. QUAD RECEPTACLE TOP SWITCH CONTROLLED CEILING MOUNTED
- 110V. QUAD RECEPTACLE
- LED LIGHTS WP
- EXIT SIGNS AND EMERGENCY LIGHTING
- FIRE PULL STATION
- HEAT DETECTOR
- STROBE AND SOUND ALARM
- STRIP LIGHTING
- BOLLARD LIGHTS
- SWITCH @ DOOR
- $ SINGLE POLE SWITCH
- 3 THREE WAY SINGLE POLE SWITCH
- 4 FOUR WAY SINGLE POLE SWITCH
- MS MOTION SENSOR SWITCH
- (S) SMOKE DETECTOR
- ELECTRIC METER
- MAIN ELECTRICAL PANEL



LEVEL ONE PLAN
SCALE: 3/32" = 1'-0"

N

REVISIONS:

DEEP CREEK MINE

Anton Viditz-Ward Inc.
antonviditzward@gmail.com
570 Society Drive
Telluride
San Miguel County
Colorado, 81435

26 DEEP CREEK RD.
COMMERCIAL

Telluride
San Miguel County
Colorado, 81435
PLANNING COMMISSION
SPECIAL USE PERMIT
OCTOBER 24, 2022

E100
ELECTRICAL PLAN
PHASE 1 STUDIOS

FOR REVIEW ONLY NOT FOR CONSTRUCTION

Colorado.gov

COLORADO
Department of Regulatory Agencies
Division of Professions and Occupations



Electrical and Plumbing Permits Online

Electrical Permit 960681

Requestor

Company Name:	TOOKER ELECTRIC LLC
First Name:	CHRISTOPHER
Last Name:	TOOKER
Address:	
	PO BOX 131
City:	NUCLA
State:	CO
Zipcode:	81424
Phone:	(970) 864-2326
Fax:	
Email Address:	chris@tookerelectric.com
License Number:	7747

Site Instruction

Installation Instructions:	-INSTALL POWER AND LIGHTING

Site

Property Type:	PRIVATE
Property Owner:	DAN COLLINS
Job Site Address:	201 COUNTY RD 639
City:	TELLURIDE
State:	CO
Zipcode:	
Site Contact Phone:	
County:	SAN MIGUEL
Power:	SAN MIGUEL POWER
Building Type:	COMMERCIAL
Construction Type:	NEW
Misc Construction:	COMMERCIAL NEW

Cost of Materials / Labor $:	20000
Trim:	N

Inspections	
Inspector: Dale Earixson, 303-869-3459	Dale.Earixson@state.co.us
There are no inspections for this permit.	

***** NOTICE:** DO NOT CONTACT THE DENVER OFFICES REGARDING INSPECTION REQUESTS OR SCHEDULING.
Please **CONTACT YOUR INSPECTOR** for inspection/scheduling info.

Status/Actions

Permit Number:	**960681**
Type:	ELECTRICAL
Status:	ACTIVE
Opened:	10/19/2022
Expiration Date:	10/19/2023
Closed:	
Replaces:	NONE
Replaced By:	NONE

Email Inspector | Print for Display | Request Inspection | OK

* Questions? Check out the Definitions Page or Frequently Asked Questions (FAQ).

1560 Broadway, Suite 1500, Denver, CO 80202 Email
(303) 894-2300 - Phone (303) 894-2310 - Fax

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EXHIBIT M – Colorado Parks & Wildlife

COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

John Huebner
Senior Planner
San Miguel County Planning Department
PO Box 548
Telluride, CO 81435
June 27, 2022

Dear Mr. Huebner,

Colorado Parks and Wildlife (CPW) has received your request to review and provide comments on the Special Use Permit application for light industrial uses and public cultural events at the former Deep Creek Mine. I have reviewed the application material provided to us and have determined that the events requested on the Special Use Permit will most likely have minimal impacts on local wildlife species.

The former Deep Creek Mine lies within the following CPW mapped wildlife species activity ranges: black bear overall range, elk summer, winter and severe winter range, mountain lion overall range and mule deer summer and winter range.

Our two main concerns for the increased use on this property are fences and bear attractants. We recommend that fences on this property be kept to a minimum and follow CPW's *Fencing with Wildlife* in Mind guidelines. Fences can impede movement of wildlife, especially during the critical winter months. While this area around the former Deep Creek Mine is not mapped within a black bear/human conflict area we recommend that bear proof trash cans and dumpsters be used at all times on the property. Unsecured trash is the main attractant for bears. Events on this property with up to 200 people will generate a lot of trash and can potentially attract bears to the area creating conflicts.

Thank you for providing us the opportunity to comment. If you have any questions you can contact me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6010.

Sincerely,

Kelly Crane
District Wildlife Manager - Ridgway

Dan Prenzlow, Director, Colorado Parks and Wildlife • Parks and Wildlife Commission: Carrie Besnette Hauser, Chair • Charles Garcia, Vice-Chair
Luke B Schafer, Secretary • Taishya Adams • Karen Bailey • Betsy Blecha • Marie Haskett • Dallas May • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

EXHIBIT O – Division of Reclamation, Mining, and Safety Release Letter

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

October 11, 2021

Dan Collins
Collins Morehead, LLC
1417 South Grandview Drive
Tempe, AZ 85281

RE: Deep Creek Placer, Permit No. M-1986-102, Full and Final Permit Release Approval (SL-1)

Dear Mr Collins:

On September 27, 2021 the Division of Reclamation, Mining and Safety (Division) received a request for the Full and Final Release of reclamation responsibility for the above listed site. Based on the observations made during the September 27, 2021 Inspection, Division Staff has determined the Operator has successfully completed reclamation of the site in accordance with the Act, Rules and Regulations and the Approved Reclamation Plan. Therefore on October 11, 2021 the Division has **approved** your release request and you are hereby released of any further reclamation liability.

According to Rule 1.4.11(1)(b), the Division must wait 30 days from the date of this letter before releasing the Financial Warranty, in order to address any comments or objections to this decision. After November 26, 2021 please contact Sara Stevenson-Benn at 303-866-3567 Ext. 8187. If you have any further questions or concerns please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.
Sincerely,

Lucas J. West
Environmental Protection Specialist

Encl: M-1986-102 SL-1 Inspection Report

cc: Travis Marshall, Senior Environmental Protection Specialist
Sara M. Stevenson-Benn, DRMS

EXHIBIT P – Storage Safety Protocols

Storage Safety Protocols

1. Wear a hardhat with a head lamp.
2. Do not enter mine with gas-powered vehicles.
3. Let someone know you have gone to the storage area.
4. Know where the exits are located and pathways for egress.
5. If there is an emergency, leave the mine and call 911.
6. No storage of explosives
7. No storage of flammable fuels
8. No storage of volatile materials.
9. No stacking items higher than 8’-0”

EXHIBIT Q – Special Events Safety Rules & Protocols

Safety Protocols for Authorized Access to Interior

1. Bring a head lamp.
2. Do not leave your car running inside of the Mine.
3. You must wear a helmet.
4. Let someone know you have gone to your storage / use the brass board.
5. Authorized persons only permitted in interior area.
6. Know where the exits are.
7. If there is an emergency, leave the mine and call 911.
8. No storage of explosives
9. No storage of flammable fuels
10. No storage of flammables.
11. No stacking items higher than 8’-0”

Safety Protocols for Events

1.Inside the Mine a helmet is required.
2. If there is an emergency call 911
3. There are 2 vehicles on site if we need to take someone to the Hospital.
4. There are many fire extinguishers set out during events.
5. We have (2) 250 gal totes with water with pumps and hoses.
6. We have first aid kits.
7. There is water for guests.
8. No minors at events unless accompanied by an adult.
9. We have a crew that deals with fire.
10. We have a crew that deals with security.
11. We have people at the front gate.
12. We have radios to communicate during events.
13. There is a pre-event training to go over all safety protocols.

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

July 14, 2022

Dan Collins, Managing Partner
by email: dan.collins@asu.edu
Collins-Morehead LLC
1417 S Grandview Dr
Tempe, AZ 85281

Re: Continuance of Planning Commission Public Hearing: Lot 4, Deep Creek Placer Special Use Permits applications

Dan,

The purpose of this correspondence is to provide you with documentation of the continuance by the Planning Commission of today's public hearing regarding the application submitted by Collins-Morehead LLC (Applicant), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028.

The public hearing for Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permits application was continued to **Thursday, October 13, 2022**. As discussed in the meeting the Applicant will provide the information and documentation requested by the referral agencies, county staff and Planning Commission to the Planning Department by September 29, 2022 as follows:

1. Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
3. Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.
4. Respond to other comments received from referral agencies.
5. Respond to comments and issues enumerated by the Planning Commission as follows:
   A. Provide the DRMS release of reclamation report.
   B. Submit the engineering report for review.
   C. Submit a copy of the electrical permit.
   D. Provide a more detailed parking and transportation plan for the events.

E. Provide a plan for safety rails/fences along drop-offs to protect event attendees.

F. Provide permanent and event exterior lighting plans.

G. Provide a copy of storage safety protocols that are provided to users.

H. Provide a copy of safety rules and protocols for special events.

Additional information may be required after further review by the referral agencies and County staff. The Planning Commission may also require more materials or information to be supplied by you as the applicant during the public review process. The County may send the application to the County Engineer for review. The applicant will be responsible for reimbursing the Planning Department for payment of any professional review fees, both the initial submittal and any subsequent reviews.

The public hearing regarding the application for special use permits at the former mine, contingent upon the receipt of the necessary information and documentation requested above by September 29, 2022, has been scheduled by the Planning Commission at its October 13, 2022 meeting in Telluride, to be held on-line, but at which you may appear in person.

If the Applicant does not submit the documents and supplemental information in a timely manner as requested, the hearing will be rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,

John Huebner

John Huebner
Senior Planner

Cc: Laurie Lundquist, by email: laurie@laurielundquist.com
Anton Viditz-Ward, by email: antonviditzward@gmail.com

Z:\Applications letters\App\Deep Creek Mine.Lot 4.SUP.2022.CPCcontinuance"

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

John Huebner <johnh@sanmiguelcountyco.gov> Fri, Oct 28, 2022 at 10:59 AM
To: Scott Heidergott <sheidergott@telluridefire.com>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Chris Smith <chriss@sanmiguelcountyco.gov>, Kevin Chaney <kevinc@sanmiguelcountyco.gov>, Lucas West - DNR <lucas.west@state.co.us>, Gregory Powers - DNR <gregory.powers@state.co.us>, Kelly Crane <kelly.crane@state.co.us>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, megan.eno@usda.gov, scopping@blm.gov, Kaye Simonson <kayes@sanmiguelcountyco.gov>

I apologize for the tight turnaround with this request. Attached for your review and comment is **SUPPLEMENTAL APPLICATION** received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by **10:00AM Thursday, November 3, 2022** to me. Best Regards,

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

On Fri, Jun 10, 2022 at 3:17 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> All,
>
> Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,
>
> **Deep Creek Mine SUP Application_Part2.pdf**
>
> **Deep Creek Mine SUP Application_Part3.pdf**
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov

SUPPLEMENTAL REFERRAL Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs.pdf
3090K

SAN MIGUEL COUNTY BUILDING DEPARTMENT
MATT GONZALES
BUILDING OFFICIAL

MEMORANDUM

TO: San Miguel County Planning Commission
CC: John Huebner, Senior Planner, San Miguel County
FROM: Matt Gonzales, San Miguel County Building Official
DATE: 03 November 2022

RE: Comments for the Special Use Permit Application for the Deep Creek Mine

After reviewing the amended application for a Special Use Permit (SUP) submitted by Dan Collins as Managing Partner of Collins-Morehead LLC, and after two subsequent meetings with the Applicants, TFPD Fire Marshall, and Planning staff, I have the following comments:

- The Applicants appear to understand that, as the historical use of the Deep Creek Mine (DCM) is changing, a building permit will be required, building code inspections will be required, and a Certificate of Occupancy (CO) will be required, verifying code compliance for the new occupancy classification;
- The Applicants have made an earnest effort to understand the building code requirements surround mixed occupancy and are aware that some code requirements may present certain challenges to the Applicants comprehensive development plan;
- The Applicants are aware of the SMC Board of Review and the building code appeal process;
- Based on the 2018 International Building Code (IBC) it appears that DCM's new occupancy classification will be mixed-occupancy F-1 (Factory and Industrial), S-1 (Storage), and A-3 (Assembly);
- Prior to issuance of a CO, the a qualified professional engineer shall provide verification that the DCM is suitable for occupancy through ample structural analysis and professionally sealed documents;
- Since the original SUP hearing, the Applicants, in preparation of obtaining building permits in the future, have shown good faith and diligence in addressing the following codes issues (this is not an exhaustive code compliance list):
    - Requirement for fire suppression based on occupancy classification and square footage in coordination with Telluride Fire Protection District;
    - Accessibility;
    - Maximum travel distance as it pertains to egress;
    - Egress lighting;
    - Egress signage;
    - Ventilation rates according to occupancy classification and occupant load;

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www.sanmiguelcountyco.gov

    - Bathroom facilities dependent on occupant load;
- Regarding building code and life safety standards for occupancy, the SMC Building Official recommends the approval of a Special Use Permit for the Deep Creek Mine as presented by the Applicant.

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www.sanmiguelcountyco.gov

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Scott Heidergott <sheidergott@telluridefire.com> Wed, Nov 2, 2022 at 1:56 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

John,

Approval from TFPD to move forward with phase one of the Deep Creek Mine project with the conditions discussed at the in-person meeting on 10/17/22.
1) Fire apparatus turn around at the top of the driveway
1) Monitored Fire alarm system
2) Ventilation shutoff connection to heat detection

Kind regards,

On Wed, Nov 2, 2022 at 10:45 AM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> I am circling back to check on your status for providing comments for this application. Thank you,
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
> For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan
>
> On Fri, Oct 28, 2022 at 10:59 AM John Huebner <johnh@sanmiguelcountyco.gov> wrote:
>
> > I apologize for the tight turnaround with this request. Attached for your review and comment is **SUPPLEMENTAL APPLICATION** received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by **10:00AM Thursday, November 3, 2022** to me.
> > Best Regards,
> >
> > John Huebner
> > Senior Planner
> > San Miguel County Planning Department
> > Office: (970)728-3083
> > www.sanmiguelcountyco.gov
> >
> > On Fri, Jun 10, 2022 at 3:17 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

Deep Creek Mine SUP Application_Part2.pdf

Deep Creek Mine SUP Application_Part3.pdf

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

--

Scott Heidergott
Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | http://telluridefire.com/
PO Box 1645
131 West Columbia Avenue
Telluride, CO 81435

Station: 970-728-3801
Fax: 970-728-3292

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, email or fax and return the original message to us at the above address via the US Postal Service. We will reimburse any costs you incur in notifying us and returning the correspondence. Thank you.

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Powers - DNR, Gregory <gregory.powers@state.co.us> Mon, Oct 31, 2022 at 8:33 AM
To: John Huebner <johnh@sanmiguelcountyco.gov>

Hello John.

The uses proposed for the artisans and craftsmen would fall under the commercial uses for permit 16536-F. So long as the decreed 44 gallons per minute pumping rate was not exceeded, there would not be a problem with using this well for these uses.

Regards,

On Fri, Oct 28, 2022 at 11:03 AM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> I apologize for the tight turnaround with this request. Attached for your review and comment is **SUPPLEMENTAL APPLICATION** received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by **10:00AM Thursday, November 3, 2022** to me. Best Regards,
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> > John Huebner
> > Senior Planner
> > San Miguel County Planning Department
> > Office: (970)728-3083
> > www.sanmiguelcountyco.gov

--
Greg Powers
Well Commissioner
Division 4

970-249-6622 x4109
1541 Oxbow Drive, Suite 1625, Montrose, CO 81401
Gregory.Powers@state.co.us | https://dwr.colorado.gov/

PUBLIC HEARING RECORD

County Planning Commission

Application: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine

Date: July 14, 2022

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 Planning Commission from John Huebner, Senior Planner dated July 14, 2022.

4. Application and Supplements submitted by Daniel Collins, Collins-Morehead LLC dated May 5, 2022.

5. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 21, 2022.

6. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on July 6, 2022.

7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 29, 2022.

AGENCY COMMENTS

8. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June10, 2022.

9. Email received from Mike Bordogna, County Manager, to John Huebner, Senior Planner, dated June 20, 2022.

10. Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated June 21, 2022.

11. Email from Daniel Collins, Applicant, to Scott Heidergott, Telluride Fire Marshal dated June 29, 2022.

12. Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 27, 2022.

13. Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated June 28, 2022.

14. Letter received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated June 28, 2022.

15. Email received from Randee Reider, Colorado Division of Transportation, to Planning Department dated June 10, 2022.

16. Email received from Jennifer Dinsmore, County Sheriff's Office, to John Huebner, Senior Planner, dated June 29, 2022.

PUBLIC COMMENT

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine
DATE: July 14, 2022
["Z:\Applications\2022_Deep Creek Mine_SUP\1 Staff Memo(s) and Resolution(s)\CPC Project Report -Artisan, Public events SUPs 7.14.22.docx"\]

Background
On April 4, 2016, a pre-application conference summary letter was issued regarding rezoning Lot 4, Deep Creek Placer, from Forestry, Agriculture and Open (F) to Heavy Commercial (HC), and for a Special Use Permit to allow a light industrial, research and development facility for artisans and craftsmen and for public facilities to allow specific cultural events to occur at the former limestone mine property. On November 14, 2016, an application was received for rezoning of the property from Forestry, Agriculture and Open (F) to Heavy Commercial (HC). While the application for a Special Use Permit was submitted concurrent with the rezoning application, it was found to be incomplete and was not heard. On April 24, 2017, the Board of County Commissioners approved the request to rezone the property in Resolution #2017-11.

A variety of uses are occurring regularly at the mine, including special cultural events attended by the public, despite not having obtained the necessary approvals from the County. Staff has notified the property owner that it is imperative that Special Use Permits be obtained so that moving forward any and all of these uses and public events are in compliance with the San Miguel County Land Use Code.

The property was actively mined for limestone through 1995. The applicant completed the Colorado Division of Reclamation, Mining and Safety (DRMS) reclamation requirements for the site in 2021.

Proposal
Dan Collins, Managing Partner, on behalf of Collins-Morehead LLC, submitted an application, received May 25, 2022 seeking Special Use Permits for light industrial, research and development facilities for artisans and craftsmen and, for various “cultural events” for the public at the former limestone mine, a 47-acre property, Parcel No. 456326400028, zoned Heavy Commercial (HC). The property is located 7 miles west of the Town of Telluride on the north side of Highway 145 off County Road 62L, Deep Creek Road. The special uses proposed in the Heavy Commercial (HC) zone require One-step review by the Planning Commission pursuant to Land Use Code Sections 5-307 B. III. & IV., Heavy Commercial, 5-407 Wildlife Habitat Areas, and 5-10 Special Uses.

The subject property is located across State Highway 145 from both the San Miguel County Road and Bridge and Colorado Department of Transportation maintenance shops. The residential properties adjacent to the mine property are owned by the Collins and Morehead families of Collins-Morehead LLC, which is the applicant.

The former mining facility contains approximately 65,000 square feet of tunneled interior space. These underground areas have an average ceiling height of 20 feet and are lit overhead and

with dirt and rock surfaces under foot. The enclosed Project Map identifies various locations for storage, drum studio, wine storage, access portals, work studios, work kitchen, exterior portable bathroom, and storage racks. The provided Site Map further identifies an outdoor open strip mined area, aka "equipment apron" on about 2 acres and a 12% graded access driveway. There is adequate parking located onsite for the proposed daily uses. The applicant states that parking for special events partially occurs onsite but overflows on to Deep Creek Road (CR62L).

The applicant proposes a variety of light industrial uses, including welding and industrial fabrication, equipment maintenance, storage, industrial design, and fine art production within the former mining facility. This work space is used by local artisans and craftspeople engaged in activities that cannot be conducted elsewhere within the Telluride Region.

An outdoor event space is proposed on the equipment apron to host cultural activities involving up to 199 persons. The approximately eight events proposed per year occur during the fall, winter and spring, usually in conjunction with Telluride Arts, Mountain Film, Deep Creek Experimental, and the Telluride Institute. These events include the burning of wood sculptures, mechanical fire sculptures, an altar, light art, live music and a DJ. The proposed events calendar includes:

No.	Events	Notes
1	Mountain Film Burn	May annual
2	Original Thinkers Event	Early October Annual or semi-annual
3	Halloween Burn	October potentially annual
4	Winter Solstice Burn	December annual
5	4 Private events	TBD

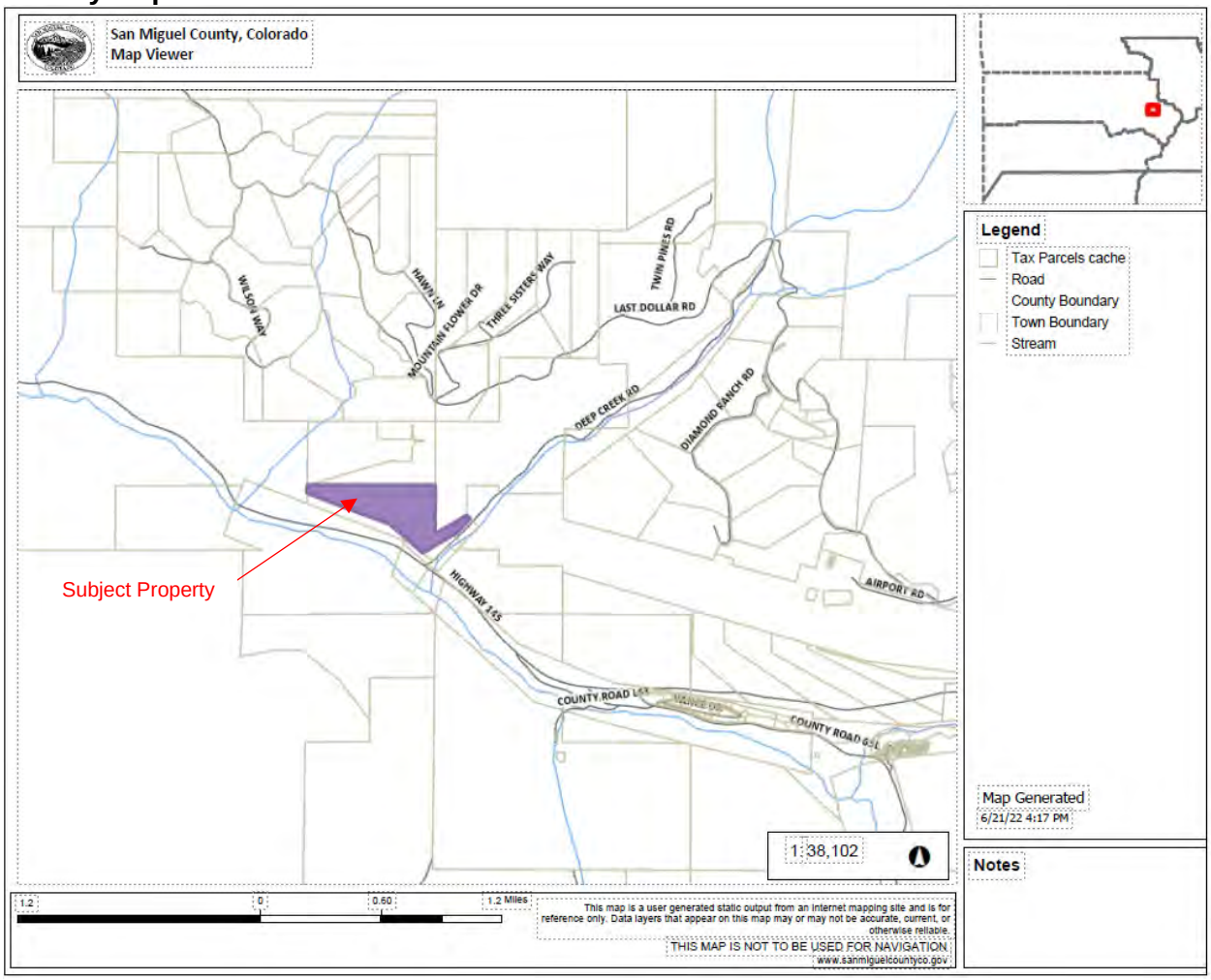
The applicant states the subject property is an appropriate location "given the character of the proposed activities (e.g. cultural events and art displays). In addition the special events are operated to protect public health, safety and welfare. Event protocols in place at the Deep Creek Mine include:

All events are limited to less than 200 individuals.
Appropriate safety procedures are reviewed by all Deep Creek staff participants prior to each event and training is given as needed to all staff.
Control points for public access are established at the entrance to the property.
Parking is controlled and directed along adjacent County Road.
For any event involving fire, notification of appropriate local authorities (e.g., Sheriff's department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force.
PPE (personal protective equipment) as defined by OSHA (https://www.osha.gov/SLTC/ personal protective equipment/) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro-technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
Appropriate portable lighting is provided along access road for pedestrian traffic.
Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.

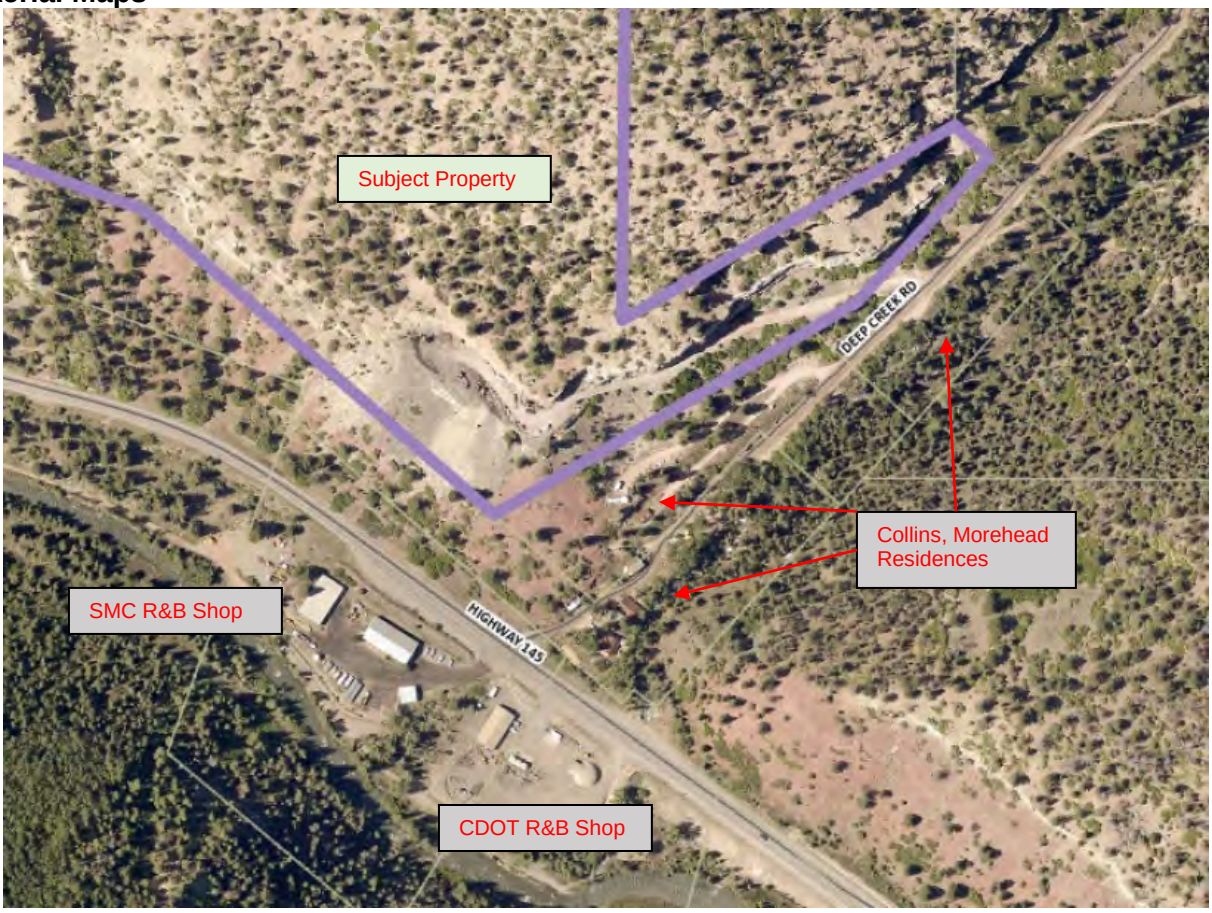
Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the Telluride Fire Marshal. (See Exhibit G)
First aid kits are provided at well-labeled stations around the site.
Trained personnel are on site with certifications in CPR and basic first aid.
Individuals on site have been trained in professional firefighting methods.
Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all attendees
No individuals are allowed past clearly marked interior doors and gates within the mine proper.

The applicant notes Deep Creek staff are working with the State Electrical Inspector to obtain permits and approval of the electrical system, the Telluride Fire Marshal regarding development of a fire protection plan and adequacy of ventilation, and with the County Building Official to determine if there are any Building Code compliance issues, particularly with regard to assembled uses.

Vicinity Map

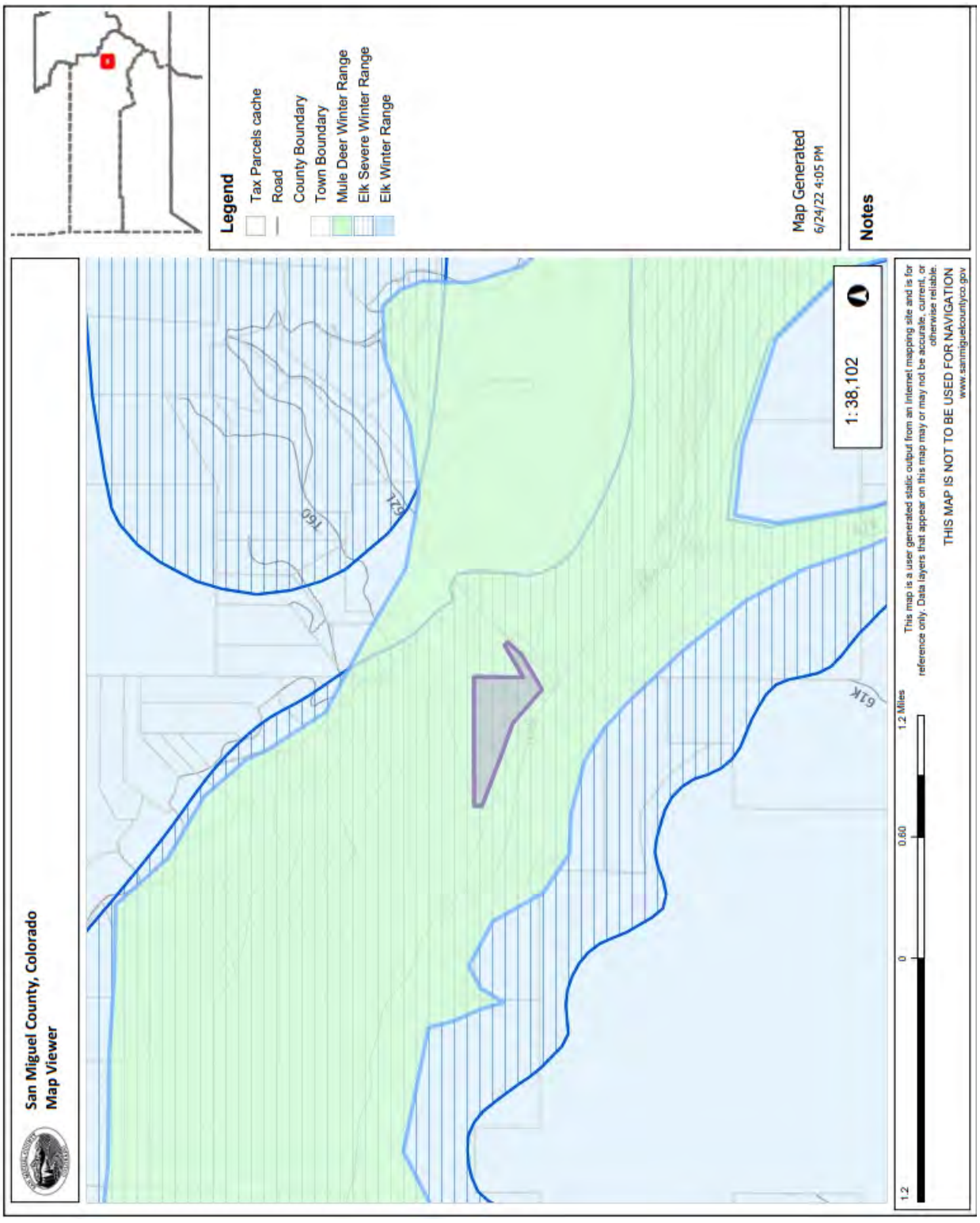


Aerial Maps

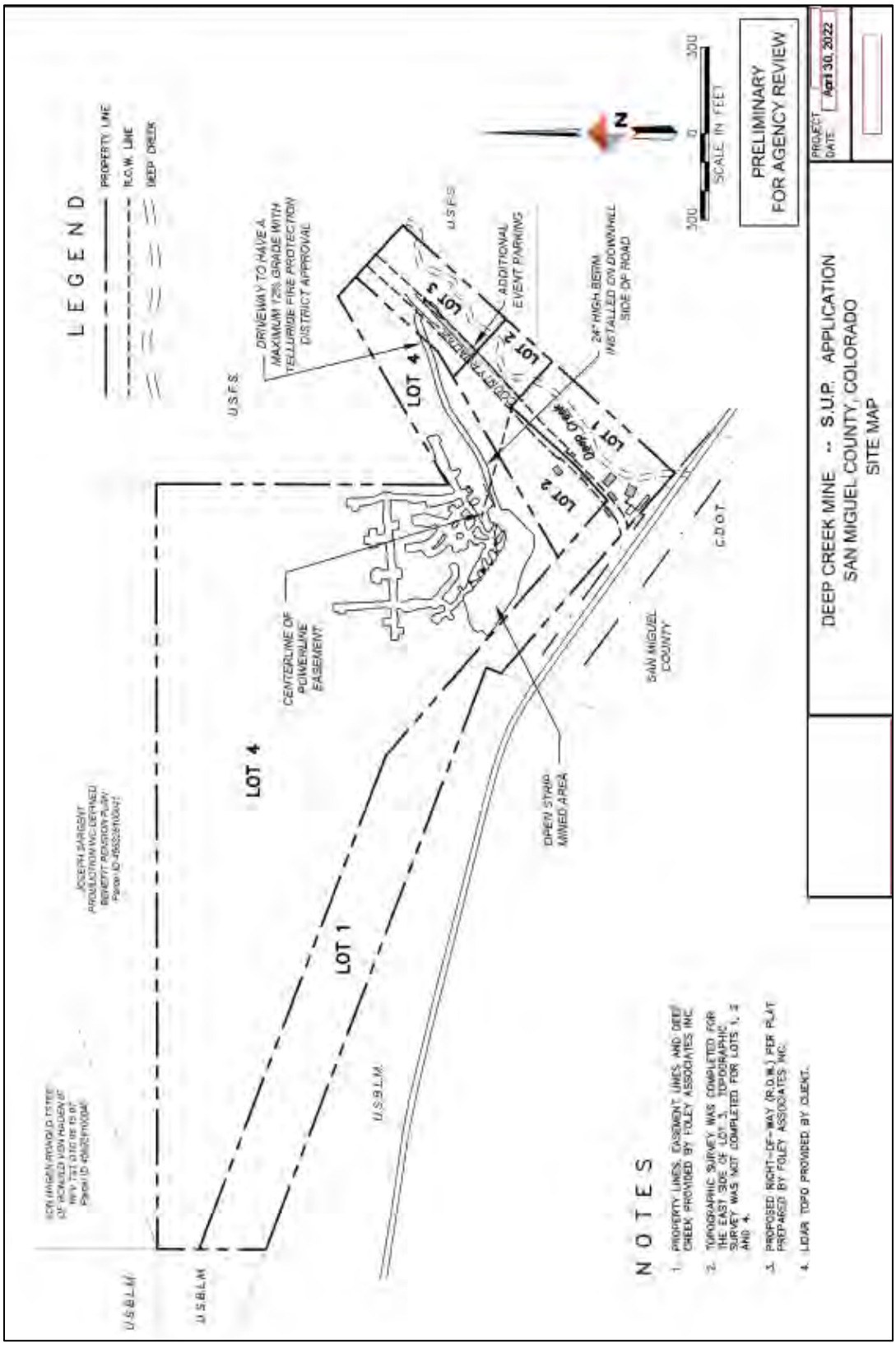

Subject Property
DEEP CREEK RD
Collins, Morehead Residences
SMC R&B Shop
HIGHWAY 145
CDOT R&B Shop


Subject Property:
Open Strip Mined Area
"Equipment Apron"

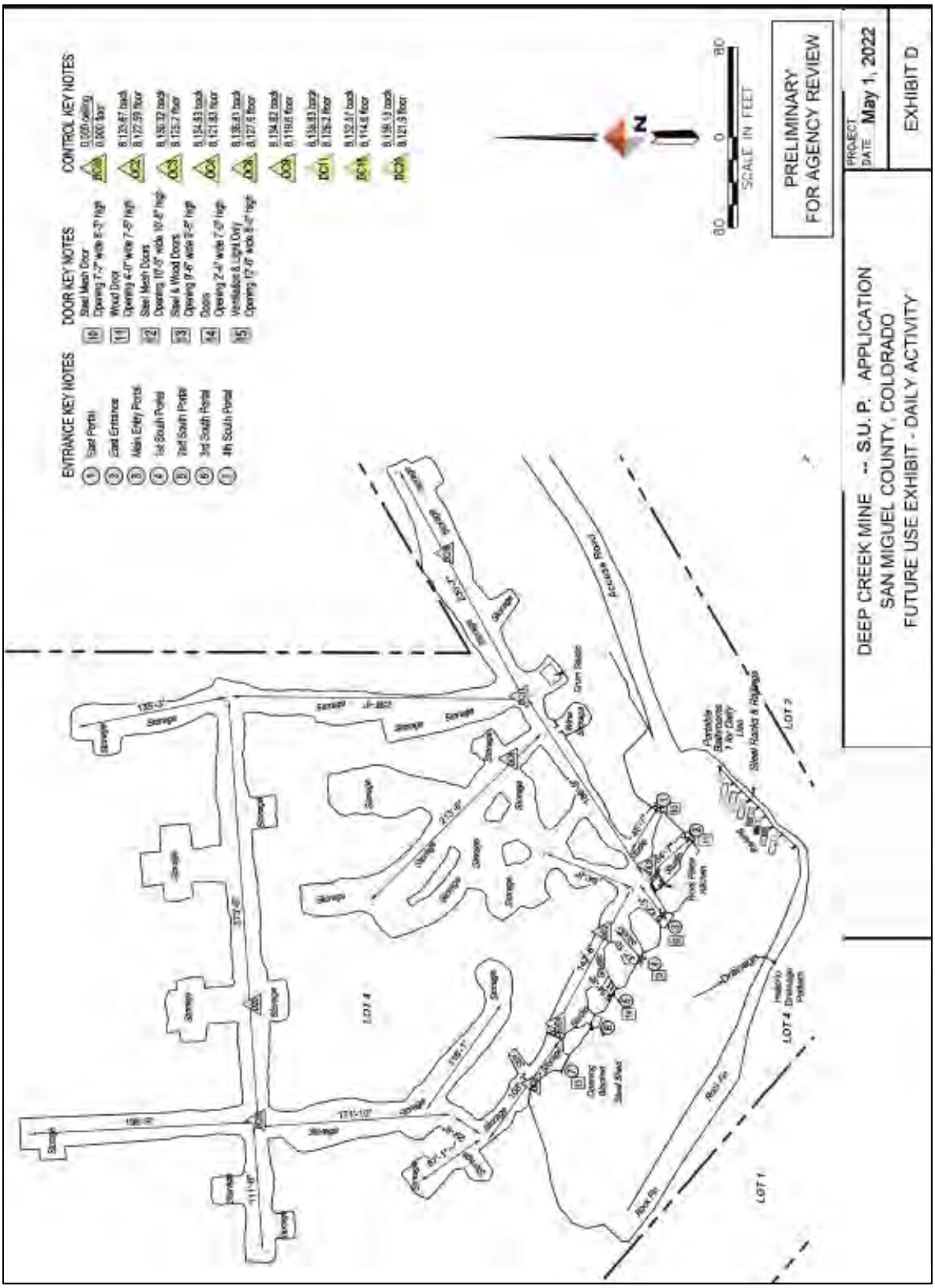
Wildlife Map



Site Map


LEGEND
PROPERTY LINE
R.O.W. LINE
DEEP CREEK
N
0
300
SCALE IN FEET
PRELIMINARY
FOR AGENCY REVIEW
PROJECT
DATE
April 30, 2022
DEEP CREEK MINE -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
SITE MAP
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
DEEP CREEK
DRIVEWAY TO HAVE A MAXIMUM 12% GRADE WITH TELLURIDE FIRE PROTECTION DISTRICT APPROVAL
ADDITIONAL EVENT PARKING
24" HIGH BERM INSTALLED ON DOWNHILL SIDE OF ROAD
CENTERLINE OF POWERLINE EASEMENT
OPEN STAND MIXED AREA
SAN MIGUEL COUNTY
C.D.O.T.
U.S.F.S.
U.S.B.L.M.
JOSEPH SARGENT REVOCABLE TRUST
BENEFIT REVISION PLAT
Parcel ID 428529100047
JON HANSEN, RONALD D. STEE, OF HOWARD VON HAGEN AT REV. TST. DTD 05 15 07
Parcel ID 428529100048
NOTES
1. PROPERTY LINES, EASEMENT LINES AND DEEP CREEK PROVIDED BY FOLEY ASSOCIATES INC
2. TOPOGRAPHIC SURVEY WAS COMPLETED FOR THE EAST SIDE OF LOT 5. TOPOGRAPHIC SURVEY WAS NOT COMPLETED FOR LOTS 1, 3 AND 4.
3. PROPOSED RIGHT-OF-WAY (R.O.W.) PER PLAT PREPARED BY FOLEY ASSOCIATES INC
4. LIDAR TOPO PROVIDED BY CLIENT.

Project Map


DEEP CREEK MINE -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
FUTURE USE EXHIBIT - DAILY ACTIVITY
PRELIMINARY
FOR AGENCY REVIEW
PROJECT DATE May 1, 2022
EXHIBIT D
SCALE IN FEET
ENTRANCE KEY NOTES
DOOR KEY NOTES
CONTROL KEY NOTES
LOT 1
LOT 2
LOT 4

Review Standards and Policies

Land Use Code Section 5-308 B. III. and IV. establishes review standards for review of Uses Allowed Subject to One-step Planning Commission Approval for an application for a Light industrial, research and development facilities special use permit and for a Public facilities special use permit, which the applicant must address in the Standards Report required by Section 4-206. Applicant notes are underlined. *Staff analysis is in italics.*

5-308 HEAVY COMMERCIAL (HC)

5-308 B. Uses Allowed Subject to One-step Planning Commission Approval

III. Light industrial, research and development facilities;

IV. Public facilities (excluding those allowed in the F Zone District);

Applicant provided a letter from DRMS stating that a full application for "post mining use" has been successfully completed and approved. The official notice that Lot 4 has been released from DRMS oversight is dated October 11, 2021.

5-308 C. Area and Bulk Requirements

II. For multiple uses:

a. 2 acre minimum lot size
b. 200 ft. minimum lot width
c. 50 ft. setbacks all sides
d. 35 ft. height limit

5-308 D. Minimum Off-street Parking Off-street parking shall be provided for each principal use as required in Section 5-702.

There is adequate parking for the proposed daily uses by local artisans and fabricators and for proposed storage use. There is not adequate parking located on site for the public events. Overflow parking has occurred on County Road 62L, Deep Creek Road, which is narrow and cannot support on road parking.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

5-1002 A. Consistency with Master Plan, Land Use Polices, Zone District and neighborhood

The Use shall be:

I. Consistent with the County Master Plan;

II. Consistent with County Land Use Policies in Article 2;

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;

V. Necessary for public convenience at the proposed location; and

VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

The applicant states the proposed uses will serve the local community and provide a "protected space" for a range of creative industrial and experimental activities.

With respect to impacts on surrounding areas, all proposed special uses are consistent and compatible with the neighborhood character and land uses adjacent to the parcel. The state and county road maintenance shops across the highway have been in continuous use, including during active mining operations that occurred until 1995 on the subject property, and during reclamation and rezoning of the property to Heavy Commercial in 2017. The property is unique, and provides facilities not found elsewhere in the county. Primary concerns for public health, safety and welfare are related to fire safety and suppression, and emergency egress.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

The activities are appropriate to the Heavy Commercial zone because of associated noise/smells relative to the processes such as metal fabrication (e.g. portable grinders, drills, and saws),

cultural events (outdoor music) and operation of diesel equipment.

Temporary sanitary facilities can be provided for events. However, the site can only handle limited parking, and County Road 62L/Deep Creek Road is not suited to parking.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours.

Water is provided to the site via - (well? cistern?). Portable toilets are provided for events and other uses. Handwashing stations and ADA-accessible units will be required. The Telluride Fire Marshal is reviewing the proposal and will be providing recommendations related to fire safety and suppression.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

I. A Site plan including:

a. Ownership, Use and zoning of all adjacent Parcels;
b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
c. Recorded and apparent easements;
d. Location and dimensions of Structures and Signs;
e. Typical elevations/Heights of such Buildings;
f. Landscaping;
g. Topography;
h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and
i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;

Anton Viditz-Ward manages a collective of 7 artisans and fabricators who work at the mine. They could be on site any day, at any hour. Renters of storage space are seldom on the property. There

are 15 storage renters coming and going as they please, but most renters are only in the mine once in a 2-month period. In addition, we are proposing an average of eight public events annually (see attached typical calendar – EXHIBIT D).

The artisan and fabricators are mostly in the main southwest area, near the entrances, with the exception of the drum studio, and the remainder is storage. Storage space renters tend to access the mine infrequently.

II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;

Initial upgrades to the interior work corridor have been completed, upgrades are ongoing for the circulation corridors. Portable lighting will be provided as needed to ensure safety to events.

Any exterior event lighting should be placed so as to not create glare, especially as seen from the highway.

III. Signs - all Signs must meet Section 5-704 standards;

Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use 2) Safety Notices at entrance and inside of mine stipulating use of hard hats, egress, and other safety considerations (per Exhibit J to application).

IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;

All water/sewer requirements will be satisfied with portable water storage and sanitary units.

Well Permit number 16536-F, is a commercial well, and may provide water for the proposed events. The applicant may be using a cistern to store well water?

V. Drainage plan;

Drainage outflow location identified by applicant (per Exhibit G to application).

VI. Grading plan;

VII. Dust control plan;

The regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants.

VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

IX. Weed control plan that must include use of weed free hay or straw;

No revegetation was required by DRMS for reclamation. All available land will be utilized for proposed activities. The process of repurposing the mine has not created disturbed surfaces

over one acre, however, we will continue efforts to mechanically control noxious weeds as identified by SMC.

X. Wildlife Plan (see Section 5-407 A. XII.); and

Applicant state there is no overlap with CPW mapped wildlife habitat area.

Staff has included a Wildlife Map with this memorandum. Subject property is within Mule Deer and Elk Winter Range and Elk Severe Winter Range as mapped by Colorado Parks and Wildlife. Given the nature of the use, elk & deer are not typically around the mine.

Exhibits include a Vicinity Map, a Site Map, a Plat Map, Master Plan of Mine, Future Use / Daily and Annual Activities, Cultural Events Plan, Fire Egress Plan, Electrical Layout, Existing Conditions Map, and Reclamation Map that generally address the above items.

XI. Additional permits as necessary from other agencies.

Applicant noted in earlier communications with the Planning Department, that we are working with the State Electrical Inspector to obtain permits and approval of the electrical system. We have also worked with the former Telluride Fire Marshal, Jim Boeckel, regarding development of a fire protection plan and adequacy of ventilation. We will review that plan with Scott Heidergott, the new Fire Marshal, to determine what his requirements will be. Our understanding is that we will no longer be working with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety as that relationship was concluded when we satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. We will work with Matt Gonzales to determine if there are any Building Code compliance issues. We are eager to complete the process of obtaining the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

The Telluride Fire Protection District Fire Marshal, Scott Heidergott, stated in a discussion with Planning staff that a standpipe system, which is a series of pipes that connect a water supply from a fire department water supply vehicle to hose connections at the mine entrance must be provided for the fire department, in lieu of providing a fire apparatus turnaround on the "equipment apron" and/or providing a fire suppression system on site. A monitored alarm notification system for smoke, heat, and carbon monoxide shall be installed in occupied areas of the mine facility. Egress signage throughout the mining facility must be inspected on completion. Also, no fire events are to be conducted in the interior of the mine facility.

The Building Official states that a building permit is required for the proposed special uses to assure compliance with building code requirements. Issues that will need to be addressed include emergency egress, ventilation rates, accessibility, fire suppression, and bathroom facilities. He recommends that additional time be provided to allow the Applicant to prepare the requisite documentation to address potential building code issues.

5-1002 F. Review of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit for the approved Special Use and/or commenced the approved use or activity, in accordance with

the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development Permits for an approved Special Use shall not be issued following the expiration of the three (3) year period, prior to the required Public Hearing.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-1002 F. I. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-1005 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
b. Fence is limited to 42: in height;
c. At least 12" between the top two wires or rails;
d. At least 16" between the bottom wire or rail and the ground;
e. Posts at minimum 16' intervals;
f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400'; and in swales and at stream crossing for easy wildlife passage.
i. Perimeter fencing of an entire parcel is discouraged.
j. As an exception to "wildlife friendly fencing" dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county's revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW "Fencing with Wildlife in Mind" guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal

control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.

II. Development shall be restricted to areas in which wildlife impacts can be minimized.

III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Colorado Parks and Wildlife (CPW) commented that the use of fencing should be minimized and that bear proof trash cans and dumpster should be used on the property. There is no prohibition on events or special uses requested by CPW.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality

Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;

5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;

5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;

5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;

5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;

5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and

5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

Applicant states there is no impacts or changes to existing condition regarding scenic quality.

The property is more than 100 feet from the highway, outside of the scenic overlay zone. Applicant should provide exterior lighting plan (permanent; special events).

Public Noticing

Per the requirements of LUC Section 3-9, the Public Notice and required sign posting on the subject property was completed by the Applicant on June 21, 2022 for the Planning Commission public hearing. The posting of the required sign was photographically documented. As required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 29, 2022 for the Planning Commission public hearing to be held on-line Thursday, July 14, 2022.

Referral Agents
The applicant was provided to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service for review and comment.

Referral Agency Comments
Michael Bordogna, County Manager, expressed concern with the interior storage of flammable materials-gas tanks, or welding tanks and with hosting the public inside the facility for a fire event.

Scott Heidergott, TFPD Fire Marshal, provided the following preliminary comments:

1) A fire lane shall be maintained from CR 62L to the mine parking area.
2) A fire apparatus turnaround to meet 2018 IFC Figure D103.1 shall be maintained and clear at all times.
3) A monitored alarm notification system per NFPA 72 shall be installed in occupied areas.
4) Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshal. (See Exhibit G). I was unable to find information on Exhibit G and there is no SMC Fire Marshal, I assume it meant TFPD Fire Marshal.
5) No fire events to be conducted inside the mine.
6) Egress signage throughout to be inspected on completion.

Gregory Powers, CDWR Well Commissioner, confirmed that the water well associated with this parcel is a commercial well and that the uses proposed conform to those permitted.

Matt Gonzales, County Building Official, states that a building permit will be required to verify code compliance for a new occupancy classification for the special uses proposed in the application. He recommends that the mining facility should not be occupied until a Certificate of Occupancy has been obtained. He identified building code requirements regarding fire suppression, accessibility, emergency egress, ventilation rates, and bathroom facilities that will need to be addressed by the applicant.

Kelly Crane, CPW District Wildlife Manager, stated that the former Deep Creek Mine lies within the following CPW mapped wildlife ranges for black bear overall; elk, summer, winter and severe winter; mountain lion overall; and mule deer summer and winter. She recommends the minimal use of fences and that bear-proof trash cans and dumpsters be used at all times on the property.

No comments were enclosed in responses received from CDOT Region 5 Access Manager and the County Sheriff.

Public Comments
As of the writing of this report, no public comments have been received.

Discussion
County staff acknowledges that it requires additional information concerning public and building safety items (e.g. ingress/egress, alarm and fire suppression systems, electrical system, adequacy of ventilation, compliance with Building Code, and parking) related to the special uses proposed at the former mine facility.

Planning staff recommends that the Planning Commission continue today's public hearing to a date and time certain (August 11, September 8, or October 13) to allow for adequate time for the applicant to provide additional information and supplemental documents responsive to requests received from referral agents, county staff, and the Planning Commission. A cutoff date should be established by which the Applicant must provide the requested documentation in order to allow county staff and review agencies adequate time to review the provided materials prior to the scheduled date for the continuation of this public hearing.

The Applicant is requested to provide the following:

- Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
- Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
- Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.
- Respond to issues and comments enumerated by the Planning Commission today, if any.

Planning staff anticipates that any future approval of the proposed special uses by the Planning Commission will include requirements to:

- Transport members of the public to and from the mine from locations in Telluride and Mountain Village for the proposed cultural events.
- Obtain SMC Building Permit for former mining facility for proposed special uses.
- Obtain Telluride Fire Marshal safety signoffs.
- Comply with CPW comments regarding the use of fences and bear-proof trash cans and dumpsters on the property.
- Provision of ADA sized porta-toilets and handwashing stations on site for public events.
- One-year annual review.

Sample Motion

I move to continue the public hearing for Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permits application to insert date. The Applicant will provide the information and documentation requested by the referral agencies, county staff and Planning Commission to the Planning Department at least two (2) weeks prior to the above scheduled date as follows:

1. Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.

2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.

3. Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.

4. Respond to other comments received from referral agencies.

5. Respond to comments and issues enumerated by the Planning Commission as follows:

Dan Collins, Managing Partner
Collins-Morehead LLC
1417 S. Grandview Dr.
Tempe, AZ 85281

Dan.collins@asu.edu
480-206-2037

May 5, 2022

Kaye Simonson, Planning Director
San Miguel County Planning Department 333
W Colorado Avenue
3rd Floor / P.O. Box 548
Telluride, CO 81435 Phone:
970-728-3083
Fax: 970-728-3098

Cc: Laurie Lundquist, Anton Viditz-Ward

RE: *1. Pre-application Conference Summary for a Special Use Permit to allow a Light Industrial, research, and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events to occur at former mine.*
2. Conditions of approval for Deep Creek Subdivision Exemption.

Dear Kaye: Using the guidelines outlined in your letter of March 31, 2022, I am providing information using the format of the LUC Submission Requirements. As you included both the SUP and the Subdivision Exemption requirements in the same letter, I have addressed both issues in a single document. I'm hoping both items #1 and #2 can be addressed in the same meeting that we'd like to request for the second Thursday in July (July 14, 2022).

4-202 **Required Background Information**
Please find contact information at the top of this letter. The Collins and Morehead families own four lots at the foot of Deep Creek Canyon, free of liens and mortgages—Lots 1, 2, 3 & 4.

4-203 **Parcel Description**
The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County (see Exhibits A, A1, and A2).

Street Address:
26 Deep Creek Road, Telluride, Colorado 81435

Legal Descriptions:
The current description for the entire property is as follows:
DEEP CREEK PLACER NO. 16025 ACC TO MAP REC 07 06 98 IN PLAT BK 1 PG 2397 68.21 AC MOL

The current descriptions for Lots 1, 2, 3 & 4 are as follows (per SMC interactive map):

LOT 1 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 SEC 25&26 T43N R10 LESS 0.047AC PER WD AT 458297 04 26 2019 TOTAL AREA CONT 14.983AC FORMER PARCEL A DEEP CREEK PLACER NO 16025

LOT 2 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 3.67 AC SEC 25 AND 26 T43N R10W

LOT 3 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 2.72 AC SEC 26 T43N R10W

LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 46.79 AC SEC 25 AND 26 T43M R10W

4-204 **Disclosure and Proof of Ownership**
Sufficient information to demonstrate Proof of Ownership.

As demonstrated by attached documents, *Collins-Morehead LLC Deeds & Authority* (See Exhibit B)

4-205 **Legal Access**
Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

As demonstrated by the attached document, "*Collins-Morehead_LLC_Deeds,"* I am one of four legal owners of Lot 4. Along with my wife, Laurie Lundquist Collins, I also own Lot 1. Lois and Jon Morehead, my sister and brother-in-law, own Lots 2 and 3. As the Managing Partner of Collins-Morehead LLC, I am authorized to act in making application for meeting the terms of the mine SUP (Lot 4) as well as the conditions for the Subdivision Exemption as applied to Lots 1, 2 & 3. (See Exhibit B. Proof of Ownership and Legal Access)

4-207 Pre-Application Conference Summary Sheet
A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (see Exhibit C)

4-206 **Standards Report**
A written report demonstrating that the proposed development complies with the applicable substantive review standards. This Standards Report is your written narrative· explaining how your proposal meets the standards for Rezoning as set forth in LUC Section 5-1803 A. thru C. and also how your other proposed uses will meet the standards in Section 5-308 HC Zone District Standards and Section 5-10 Special Use Standards.

NARRATIVE

1. On June 20, 2017, BOCC approved a change in zoning for Lot 4 Deep Creek Placer (The Mine) from Forest and Ag (F) to Heavy commercial (HC) to allow for Research Development and Artist/Craftsman workspace for Lot 4 (formerly a limestone mine) was heard and approved, per the standards for Rezoning as set forth in LUC Section 5-1803 A through C. The current application, a Special Use Permit (SUP), submitted concurrent with the rezoning application, was found to be incomplete. *See below (p. 2) for detailed explanation:* ***#1 Special Use Permit (SUP) for Lot 4.*** (See p. 8 for a detailed response to the Planning Director's assessment as to why the initial SUP application was found to be incomplete).

2. On April 24, 2017, BOCC identified outstanding conditions to be met with respect to the application for a Subdivision Exemption related to Lots 1, 2 & 3. *See below (p. 9) for detailed explanation:*
#2 Outstandng Conditions for Meeting the Terms of the Subdivision Exemption for Lots 1, 2 & 3

#1 – Special Use Permit (SUP) for Lot 4

Location

The location is 7 miles west of Telluride at the NW corner of the confluence of the San Miguel River and Deep Creek. The legal description is as follows:

LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 46.79 AC SEC 25 AND 26 T43M R10W

Lot 4 is an approximately 47-acre parcel, recently rezoned as Heavy Commercial (HC). Previously, the parcel was zoned as "Ag/Forest" (F) and was a permitted limestone mine under the jurisdiction of the Colorado Division of Reclamation, Mining, and Safety (DRMS). It was actively mined for limestone up through about 1995. All of the requirements set forth by DRMS for reclamation were met in 2021. One of the stipulations for approval of the proposed reclamation plan to the State was to conform to County zoning/land-use codes. Lot 4 is now under the jurisdiction of San Miguel County. The current owner is Collins-Morehead LLC. The local contact/manager is Dan Collins, who is co-owner with his wife, Laurie Lundquist; his sister, Lois Morehead; and his brother-in-law, Jon Morehead. Currently the mine has evolved to support a variety of "non-mining uses" including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. An additional objective is to use the "equipment apron" – an outdoor event space – approximately six times a year for cultural activities involving less than 200 people associated with Telluride Arts, the Mountain Film Festival, Deep Creek Experimental, and the Telluride Institute and other local non-profits (501c3).

The owners see the potential of the property as not only providing much needed work-space for local artisans and craftspeople engaged in activities that cannot be conducted within the Town of Telluride Region, but also a significant public amenity that can support specially permitted cultural activities, some of which fall outside the logistical possibilities of facilities in town. A "first pass" at a schedule showing the frequency and duration of such events is included in this submittal. (See Exhibit D - Calendar of Events)

5-1803 Rezoning Completed for Lot 4

Per the Land Use Code, *"rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section."*

As a co-owner of the above specified property, Dan Collins initiated the rezoning process. The rezoning application was heard and approved on June 20, 2017 by the BOCC. (see Exhibit E – BOCC Resolution)

As per stipulations of LUC 5-1803 with respect to San Miguel Canyon, there were no conflicts with the proposal with any applicable sections of the Land Use Code. Further, our 2017 plan was consistent with the San Miguel County Comprehensive Development Plan, surrounding Zone Districts, and land uses. Specifically, the property is directly across Colorado State Highway 145 (on the north side) from both the SM

County Road shed and the Colorado State Highway department (CDOT)—that is, the "neighborhood" has long been defined by industrial uses. The only residential neighbors near the mine property occupy dwellings also owned by member of the Collins and Morehead families on what has been known historically as Parcel A — the approximately 20 acre parcel along the creek bottom at the mouth of Deep Creek. "Parcel A" was re-named "Lots 1, 2, & 3" when the property was officially re-platted during a sub-division exemption process (see attached "Site Map"). Notification of our plans for change of zoning were sent to neighbors and agencies with abutting properties on Deep Creek mesa and in the canyon and were published, per DRMS requirements, in the local paper and available for review to the general public in the County records department. A sign with our intentions was posted in April of 2016 on the main gate at the base of the access road to the mine. An additional notification process to adjacent neighbors was conducted upon successful completion of the application process.

Given the limited number of regular users of the property, we anticipate no excessive demands on public facilities (principally the adjacent County Road). Sewage and water requirements for onsite users are met by professional service contracts (providing portable toilets) transportable sanitary water tanks using Town of Telluride water). During those few events (approximately eight events annually) in which larger groups are on site, history shows that parking can be reasonably accommodated along the side of Deep Creek Road where there are numerous stretches with turn-outs and sufficient width to allow cars to be parked out of the active roadway. (See attached Exhibit C. Site Map). No significant impacts on the local environment are anticipated as the result of the proposed uses. As already indicated, the proposed range of uses is compatible with the character of the local "neighborhood." There are no conflicts anticipated with the "public interest." Indeed, we see the approval of our proposal providing a pathway for a range of activities that will afford significant public benefit. From our initial posting and interviews with neighbors for the change in post-mining uses with DRMS, we have received no objections to the proposal. As indicated, there are no significant impacts on local transportation or safety issues.

5-308: Heavy Commercial (HC)

We understand that the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. We feel that the proposed zoning change provides a location for new commercial activities that will serve the local community and provide a "protected space" for a range of creative industrial and experimental activities. Some of the activities we envision for the property are (only) appropriate to the HC Zone District because of associated noise/smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (music events), and equipment (diesel equipment operation).

The specific uses we are proposing for the property include a number of the activities that fall under the one-step review process, including: storage; manufacturing; light industrial; research and development facilities; public facilities; staging for construction contractors; and auto repair shops in compliance with the additional list of requirements for the housing, storage, and handling of hazardous wastes, etc. related to auto repair, as per LUC 5-308 B XII).

The area of the proposed facility exceeds the minimum requirements for size and vertical clearance. The

underground portion of the facility alone comprises approximately 65,000 square feet with an average ceiling height of some 20 feet. See attached plans showing breakdown of proposed uses. The outdoor "equipment apron" occupies about 2 acres. There is adequate parking on site for the full range of proposed day to day uses. (See Exhibits D – H). As indicated in Exhibit C, overflow parking for special events can be handled via parking along Deep Creek Road (County Road 62L). (See Exhibits D – H).

5-10: Special Uses

We understand that Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards, and policies.

We submit that our proposal for Special Uses is consistent with the San Miguel County Master Plan, Land Use Policies, Zone District, and our Neighborhood. The proposal is appropriate given the character of the proposed activities (e.g., cultural events and art displays). All Special Use events are designed, located, and proposed to be operated so that public health, safety, and welfare are protected. In addition to standard common sense, a number of steps and considerations are initiated before any event/kinetic display is scheduled for the Deep Creek Mine. These include:

- All events are limited to less than 200 individuals.
- Appropriate safety procedures are reviewed by all Deep Creek staff participants prior to each event and training is given as needed to all staff.
- Control points for public access are established at the entrance to the property.
- Parking is controlled and directed along adjacent County Road.
- For any event involving fire, notification of appropriate local authorities (e.g., Sheriff's department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force.
- PPE (personal protective equipment) as defined by OSHA (https://www.osha.gov/SLTC/personalprotectiveequipment/) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro-technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
- Appropriate portable lighting is provided along access road for pedestrian traffic.
- Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.
- Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshall. (See Exhibit G)
- First aid kits are provided at well -labeled stations around the site.
- Trained personnel are on site with certifications in CPR and basic first aid.
- Individuals on site have been trained in professional fire fighting methods.
- Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all

attendees.

- No individuals are allowed past clearly marked interior doors and gates within the mine proper.

With respect to impacts on surrounding area, all activities are compatible with the Character of Parcels adjacent to the proposed Special Use site and are appropriately expressed in terms of appearance, scale and features, site design, landscaping, plant regime, as well as, the control and minimization of adverse Impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions. Public facilities and services shall be provided to serve any reviewable use including, but not limited to roads, potable water, sewer, solid waste, fire protection, and drainage systems. In the initial application for HC zoning, there was a question about the status of the bond established in the mid 1980s with respect to the reclamation of the property per the requirements of DRMS. The terms of that bond have been satisfied and the bond has been retired (see EXHIBIT H)

5-1002 E. *The following must be addressed as part of any application:*

I. *Exhibits including a Vicinity Map, a Site Map, a Plat Map, Master Plan of Mine, Future Use / Daily and Annual Activities, Cultural Events Plan, Fire Egress Plan, Electrical Layout, Existing Conditions Map, Reclamation Map address the following:*

a. *Ownership, Use and zoning of all adjacent Parcels* (See Exhibit B);
b. *Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking* plan (see Exhibits A, A1, & A2);
c. *Easements* (see Exhibit I);
d. *Location and dimensions of Structures*(see Exhibit G – Existing Conditions);
e. *Typical elevations/Heights of such Buildings* (N/A);
f. *Landscaping* (N/A);
g. *Topography* (as per contour lines on Exhibit G);
h. *Specific areas proposed for specific types of land Use/the identification of specific land Uses* (see Exhibit G); and
i. *Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable. As follows:*

Anton Viditz -Ward manages a collective of 7 artisans and fabricators who work at the mine. They could be on site any day, at any hour. Renters are seldom on the property. There are 15 storage renters coming and going as they please, but most renters are only in the mine once in a 2-month period. In addition, we are proposing an average of eight public events annually (see attached typical calendar – EXHIBIT D).

II. *Lighting plan.* Initial upgrades to the interior work corridor have been completed, upgrades are ongoing for the circulation corridors. Portable lighting will be provided as needed to ensure safety to events;

III. *Signs - Must meet Section 5-704 standards.* Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use 2) Safety Notices at entrance and inside of mine stipulating use of hard hats, egress, and other safety considerations (per Exhibit J);

IV. *Water/sewer plan must meet state standards and may include verification of a commercial well permit;*

All water/sewer requirements will be satisfied with portable water storage and sanitary units.

V. *Drainage plan.* (As per Exhibit G - see drainage outflow location);

VI. *Grading plan.* (As per Exhibit G)

VII. *Dust control plan.*
Regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants.

VIII. *Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;* (see attached Site Map, Exhibit A2)

IX. *Weed control plan that must include use of weed free hay or straw; (N/A)*

X. *Fencing Plan.* (As per Exhibit E); and

XI. *Additional permits as necessary from other agencies.* (viz., Electrical Plan – Exhibit K)*)*

XII. *Wildlife Habitat* (No overlap with CWP mapped wildlife habitat area)
https://ndismaps.nrel.colostate.edu/index.html?app=propertyfinder&keyword=public&value=San%20Miguel%20SWA&prj=102100&extent=-12016576,4572197,-12012995,4574020&layer=streets|CPW%20Properties|0.8|0-9-10-11-23-24-25-26-27-28-29-30-31-32-33-46-47-48-49

XIII. *Scenic Quality* (No impacts or changes to existing condition).

5-1003 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved special uses and special use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-1003 A. Standards

As requirements for approval, the proposed activity shall not:

I. *Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;*

II. *Violate any Land Use Code standard;*

III. *Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and*

IV. *Increase the floor area of the use by more than two percent or decrease the open space on the site by more than three percent.*

5-308 HC Zone District Standards and Section 5-10 Special Use Standards.
Evidence is provided in the form of a letter from DRMS that a full application for "post mining use" has been successfully completed and approved. We received the official notice that Lot 4 has been released from DRMS oversight on October 11, 2021. See attached letter from DRMS with endorsement from Lucas West (Exhibit H).

Pre-Application Conference Summary Sheet
A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (See Exhibit C: Pre-Application Conference Summary Letter).

Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5- 4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

Copies of Application
During the pre-application conference staff shall specify the number of copies of the application to be submitted.

Revegetation Plan
A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

No revegetation was required by DRMS for reclamation. All available land will be utilized by proposed activities.

Weed Control Plan
A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

The process of repurposing the mine has not created disturbed surfaces over one acre, however, we will continue efforts to mechanically control noxious weeds as identified by SMC.

Specific Provisions per Planning Director's Letter of March 31, 2022

To potentially allow the various proposed "cultural events," we understand that the Special Use Permit application also needs to include a specific proposal and information concerning the "Public Facilities" we are seeking to have considered and potentially approved at the former mine.

As noted in earlier communications with the Planning Department, we are working with the State Electrical Inspector to obtain permits and approval of the electrical system. We have also worked with the former Telluride Fire Marshal, Jim Boeckel, regarding development of a fire protection plan and adequacy of ventilation. We will review that plan with Scott Heidergott, the new Fire Marshal, to determine what his requirements will be. Our understanding is that we will no longer be working with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety as that relationship was concluded when we satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. We will work with Matt Gonzales to determine if there are any Building Code compliance issues. We are eager to complete the process of obtaining the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours. These items are addressed on pages 4 – 8 of this narrative and the supplemental information found in the attached addenda.

#2 Outstandng Conditions for Meeting the Terms of the Subdivision Exemption for Lots 1, 2, & 3

When the Deep Creek Placer Subdivision Exemption Plat was approved in June of 2017, Board of County Commissioners (BOCC) Resolution No. 2017-009, recorded on June 22, 2017, contained the following condition:

1. *The existing two-story house located within the ROW for CR 62L shall be removed prior to the issue of a Certificate of Occupancy for a Single-family dwelling or structure on Lot 3 of the Deep [C]reek Place[r] Subdivision Exemption Plat. If a Single-family dwelling is not permitted and constructed on Lot 3 within five (5) years of the date of recording of this resolution the house located in the ROW shall be removed at that time.* (emphasis added)

   Due to a number of circumstances, the Morehead family has not started to build on Lot 3. We would like to request an amendment on the condition of removing the two-story house. The following constitutes an explanation of why the house has not yet been removed and a proposed new deadline for the removal of the house from the right-of-way.

   Background

   As has been recorded, we took responsibility for the removal of the old house as part of a "subdivision exemption" deal we made with Mike Rozycki back in 2017. This two-story structure was moved to its current location in the 1920s as housing for workers in the adjacent Deep Creek Limestone Kiln operation. Though it enjoys no protected status, it is about 2/3 historic. My dad and I did a lot of work on it to bring it back to habitable status in the 70s. Subsequent tenants and I have upgraded the structure in recent years. It is currently quite a nice little place occupied by year-round local architect Elitza Mladova at the rate of $1280 a month…we believe it qualifies as affordable housing.

   There are some practical considerations that have emerged over the past five years:

   1. The difficulty in meeting the desired construction timeline for new construction by the Moreheads on Lot 3 due to health issues (Jon was hospitalized last year with respiratory issues).
   2. The rapidly rising costs of construction (both materials and labor)
   3. The urgent need to develop more affordable housing in the region.

   Part of the incentive for moving the house in the first place was to straighten out the "dog's leg" in the County Road. Of course, as many have pointed out, this removal will not guarantee that the road will be any safer. In fact, as we have argued (with the help of local landscape architect Angela Dye), traffic speeds will undoubtedly increase if the road is straightened. The speed, amount of traffic, noise, and the dust have been problems since I was a kid; these issues are impacting us more and more as traffic increases. We think the two-story house effectively slows traffic to our benefit and to the benefit of safety of the Community.

   We understand that if the BOCC approves an amendment to Resolution 2017-009, they may impose additional conditions, such as including the requirement that we enter into an encroachment or indemnification agreement and/or include the County as a named insured on a policy that meets County limits for any liability or damages that may occur as a result of the

structure being in the right-of-way. We are prepared to meet conditions such as those if requested.

Additionally, we understand that the The Deep Creek Placer Subdivision Exemption Plat (Reception No. 449067) includes note 7, which states, "*The existing well Permit # 101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single-family Dwelling or structure on Lot 3.*" Our plan for this summer includes the construction of a below-grade concrete manhole to address that condition. We received guidance from Ryan Righetti (Director, SMC Road and Bridge) and will seek a Special Construction Permit from the San Miguel County Road and Bridge Department for work in the CR 62L right-of-way.

Considering the present affordable housing crisis as well as other circumstances as outlined, we are requesting an extension on the removal of the house at 53 Deep Creek Rd. until June 22, 2027.

(See Exhibit A3, notes #6 & #7 regarding 2 Story removal and provision of below-grade vault for existing well, Exhibit I for detailed Site plan and current well locations, and Exhibit L for typical CDOT approved concrete vault design to accommodate any potential traffic over existing wellhead, per Ryan Righetti)

Scheduling of Application Consideration

Per the requirements provided by the Planning director for scheduling of application consideration, we will be providing one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements.

We would like to meet the Planning Commission the second Thursday of July (July 14, 2022)

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

We understand that a payment of $750 for the SUP and **$275 for the Extension of the Conditions of Approval** to San Miguel County must accompany the application(s) for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

We further understand that 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional

notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

EXHIBIT A – Vicinity Map

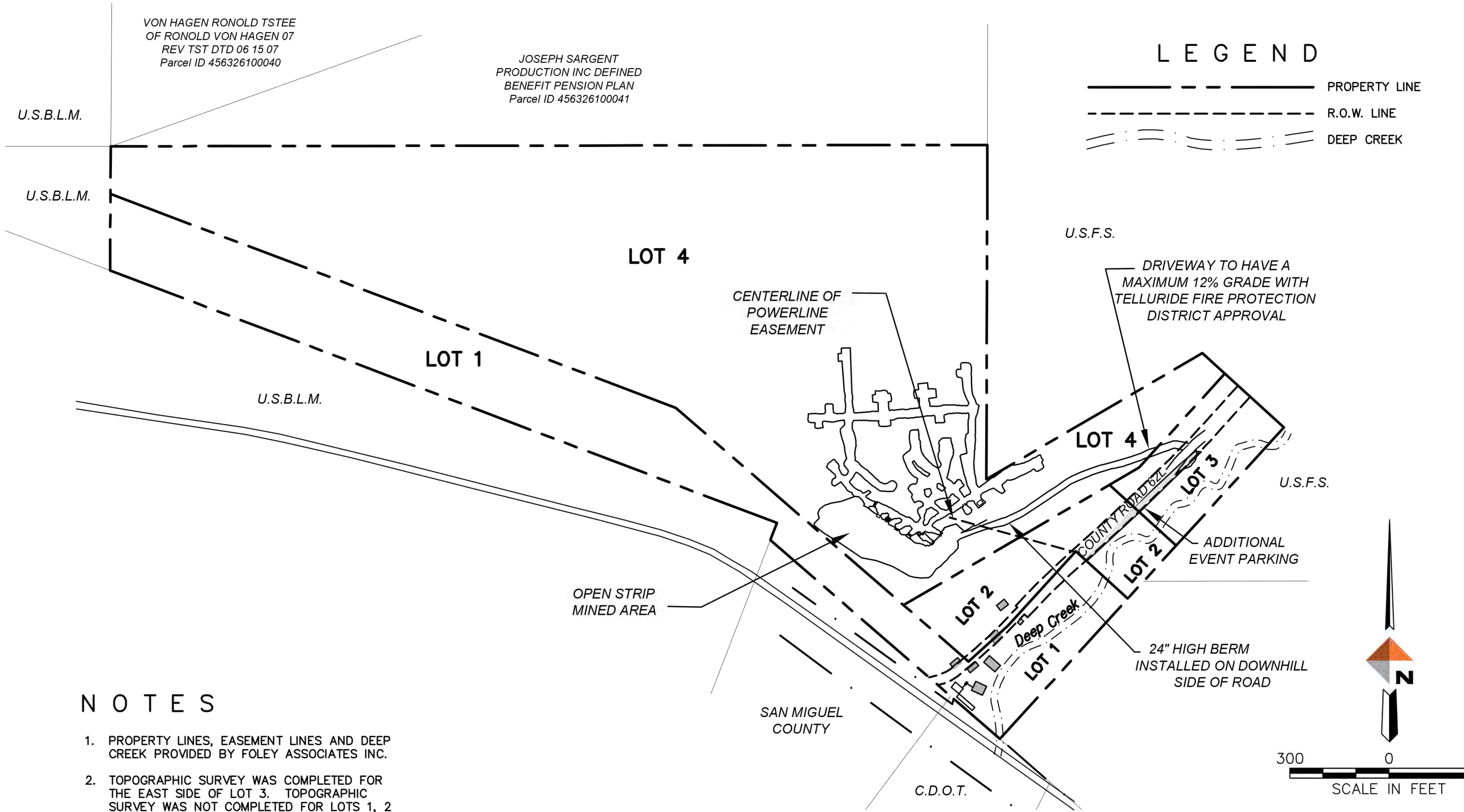


Exhibit A - Collins-Morehead LLC
Vicinity Map

Lots 1 - 4

DEEP CREEK PLACER NO. 16025 ACC TO MAP REC 07 06 98 IN PLAT BK 1 PG 2397 68.21 AC MOL

EXHIBIT A 1 – Site Plan



NOTES

1. PROPERTY LINES, EASEMENT LINES AND DEEP CREEK PROVIDED BY FOLEY ASSOCIATES INC.
2. TOPOGRAPHIC SURVEY WAS COMPLETED FOR THE EAST SIDE OF LOT 3. TOPOGRAPHIC SURVEY WAS NOT COMPLETED FOR LOTS 1, 2 AND 4.
3. PROPOSED RIGHT-OF-WAY (R.O.W.) PER PLAT PREPARED BY FOLEY ASSOCIATES INC.
4. LIDAR TOPO PROVIDED BY CLIENT.

PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
SITE MAP

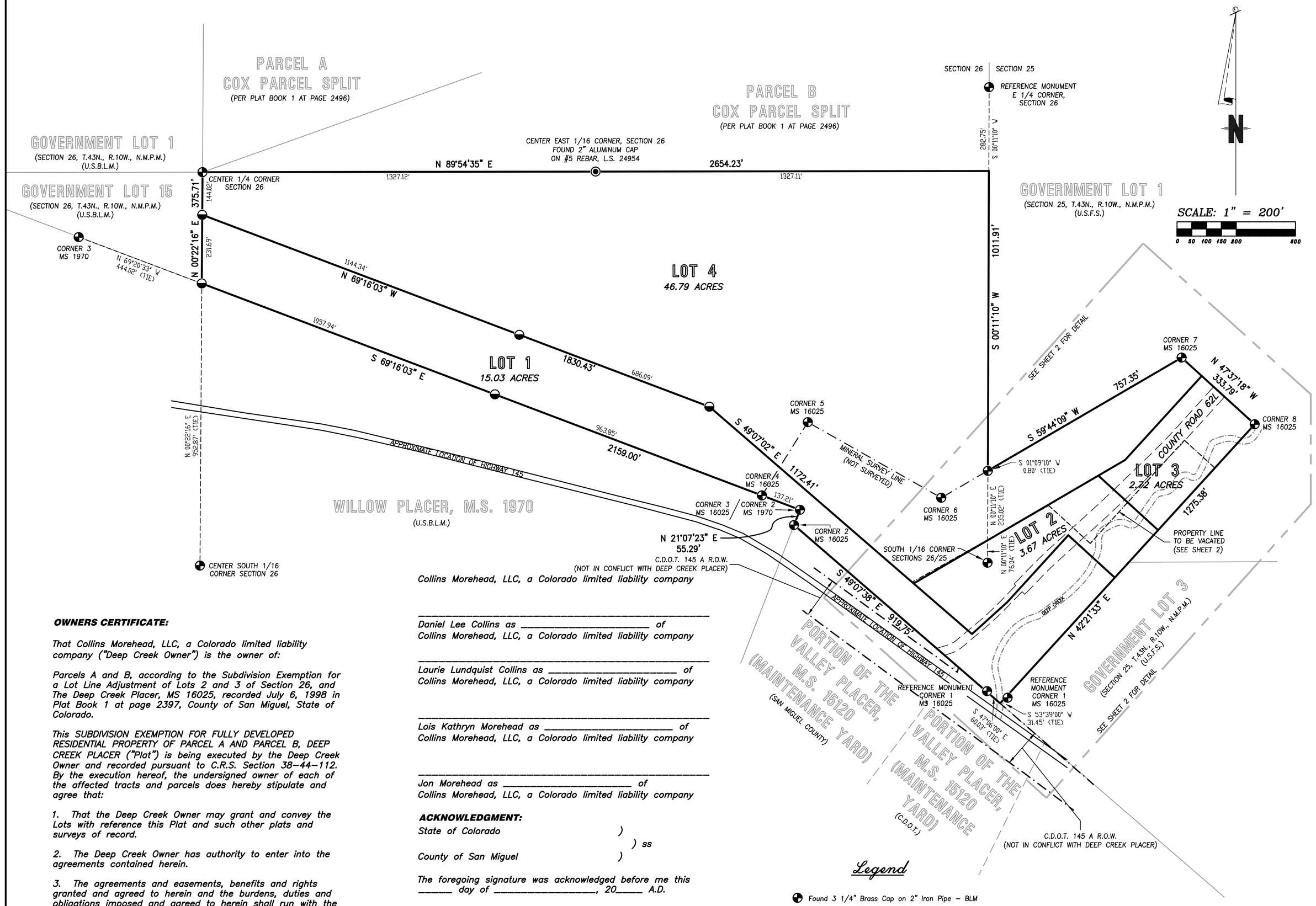
PROJECT
DATE April 30, 2022

178

Q:\22\74290-01\65CAD\Civil\Rezoning Exhibits.dwg PLOT DATE 2016-11-11 10:51 SAVED DATE 2016-11-10 16:17 USER: dcastillo

EXHIBIT A 2 – Plat Map

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.



Collins Morehead, LLC, a Colorado limited liability company

Daniel Lee Collins as _____ of Collins Morehead, LLC, a Colorado limited liability company

Laurie Lundquist Collins as _____ of Collins Morehead, LLC, a Colorado limited liability company

Lois Kathryn Morehead as _____ of Collins Morehead, LLC, a Colorado limited liability company

Jon Morehead as _____ of Collins Morehead, LLC, a Colorado limited liability company

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

ACKNOWLEDGMENT:

State of Colorado)
) ss
County of San Miguel)

The foregoing signature was acknowledged before me this _____ day of _____, 20_____ A.D.

By: _____
_____ as _____ of Collins Morehead, LLC, a Colorado limited liability company.

My commission expires: _____
Witness my hand and seal.

_____
Notary Public

OWNERS CERTIFICATE:

That Collins Morehead, LLC, a Colorado limited liability company ("Deep Creek Owner") is the owner of:

Parcels A and B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer, MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

This SUBDIVISION EXEMPTION FOR FULLY DEVELOPED RESIDENTIAL PROPERTY OF PARCEL A AND PARCEL B, DEEP CREEK PLACER ("Plat") is being executed by the Deep Creek Owner and recorded pursuant to C.R.S. Section 38–44–112. By the execution hereof, the undersigned owner of each of the affected tracts and parcels does hereby stipulate and agree that:

1. That the Deep Creek Owner may grant and convey the Lots with reference this Plat and such other plats and surveys of record.

2. The Deep Creek Owner has authority to enter into the agreements contained herein.

3. The agreements and easements, benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall run with the respective land of each Lot and shall be a benefit of, and burden upon the respective land of each party, as applicable. Further, the easements, benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall be binding upon and shall inure to the benefit of, and be a burden upon, each of the respective properties. This Plat is intended to be recorded in the office of the Clerk and Recorder of San Miguel County, Colorado.

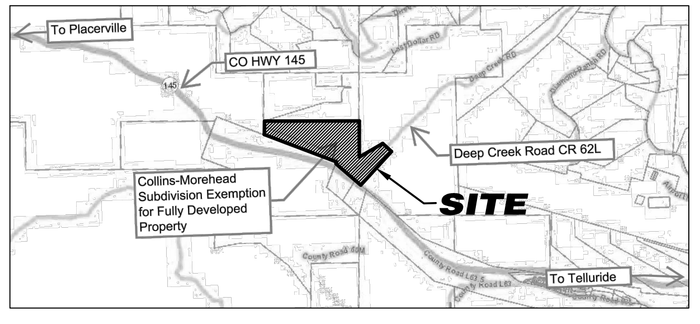
4. The Deep Creek Owner does hereby dedicate to San Miguel County for the perpetual use of the public the R.O.W. for CR 62L as shown and depicted hereon and hereby dedicates those portions of land labeled as utility easements for the installation and maintenance of the public utilities as shown hereon.

5. The Deep Creek Owner does hereby dedicate a 30' Access and Utilities Easement to benefit Lot 4, the location of which is depicted on sheet 2.

IN WITNESS WHEREOF, the Owner has executed this Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer and the agreements contained within intended to be made effective as of _____, 20_____.

Legend

- Found 3 1/4" Brass Cap on 2" Iron Pipe – BLM
- Found 1 1/2" Aluminum Cap on #5 Rebar – LS 24954
- Set 1 1/2" Aluminum Cap on 18" long #5 Rebar – LS 37662



VICINITY MAP

COUNTY COMMISSIONERS' APPROVAL:

This Plat has been accepted for filing by the San Miguel County Board of Commissioners.

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5–504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

_____
Chair

Dated this _____ day of _____, 20_____.

Attest:

_____
Clerk

TREASURER'S CERTIFICATE:

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the Property or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3–101.

Dated this _____ day of _____, 20_____.

_____
San Miguel County Treasurer

TITLE INSURANCE COMPANY CERTIFICATE:

Alpine Title Company does hereby certify that we have examined the title to the Property and that the title to this land is in the name of Collins Morehead, LLC, a Colorado limited liability company. The Property is free of all liens and taxes, except as follows:

_____
Title Insurance Company Representative

SURVEYOR'S CERTIFICATE:

I, David R. Bulson of Foley Associates, Inc., being a Colorado Licensed Professional Land Surveyor, do hereby certify that this plat and survey of SUBDIVISION EXEMPTION FOR FULLY DEVELOPED RESIDENTIAL PROPERTY OF PARCEL A AND PARCEL B, DEEP CREEK PLACER, was made by me and under my direct responsibility, supervision and checking, in compliance with the applicable provisions of Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief.

_____
P.L.S. No. 37662 *Date*

NOTES:

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

2. Easement research by Alpine Title Company, commitment No. 477CEA, dated December 29, 2014 at 02:40 pm.

3. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

4. SURVEY NOTES:

A) BASIS OF BEARINGS: The bearing of the line between the Center 1/4 Corner of Section 26 and the Center South 1/16 Corner of Section 26 was measured as N 00°22'16" E according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado. The endpoints of this line being monuments as depicted hereon.

B) LINEAL UNITS: The distances labeled on this plat are expressed in US Survey Feet and/or a decimal portion thereof.

5. The Telluride Fire Protection District approved a Fire Access / Driveway Variance for Lot 3 of the SE Plat. This Variance was approved conditioned upon developer providing either the installation of an approved residential fire sprinkler system (recommended) or a dry horizontal standpipe. Location of the connections for the dry horizontal standpipe shall be field coordinated with the Telluride Fire District prior to installation. The applicant for a Building Permit for a residence on Lot 3 shall provide a letter from the TFPD advising that the condition for granting a Fire Access (driveway) Variance has been met prior to the issuance of a Certificate of Occupancy for a residence or structure on Lot 3.

6. The existing house located within the Right–of Way for CR 62 L that is to be dedicated to the County by this Subdivision Exemption Plat, as identified on this plat shall be removed in accordance with an approved demolition permit prior to issuance of a Certificate of Occupancy for a Single–family dwelling or structure on Lot 3 of the Deep Creek Placer Subdivision Exemption Plat.

7. The existing well Permit #101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single–family Dwelling or structure on Lot 3.

8. The Onsite Wastewater Treatment System (OWTS) for Lot 3 designed by Dan Quigley, P.E., DOWL, has been reviewed and approved by Gregg Anderson, P.E., Alpine Land Consulting, LLC, demonstrating that Lot 3 is capable of accommodating an OWTS meeting current County and State regulations. This system, which will require the installation of a pump/lift station, will need to be permitted prior to issuing a Certificate of Occupancy for the Lot 3 residence. The owner of Lot 3 will be required to maintain such pumping system in accordance with the manufacturer's recommendations.

MAPS OF RECORD:

1. BLM Dependent Resurvey and Survey of Tracts in Township 43 North, Range 10 West of the New Mexico Principal Meridian approved December 6, 1988.

2. Parcels A and B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

RECORDER'S CERTIFICATE:

This Plat was filed for record in the Office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20_____, at Reception No. _____, Time _____.

_____
San Miguel County Clerk

Project Mgr: DB	Rev.	description	date	by
Technician: FO/MC				
Technician:				
Checked by:				
Start date: 01/2015				

FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.

SCALE: 1" = 50'
0 10 20 30 40 50 100

PORTION OF THE VALLEY PLACER, M.S. 16120 (A.K.A. MAINTENANCE YARD) (SAN MIGUEL COUNTY)

C.D.O.T. 145 A R.O.W. (NOT IN CONFLICT WITH DEEP CREEK PLACER)

S 49°07'02" E 1172.41'

911.89'

S 49°07'38" E 919.75'

MINERAL SURVEY LINE (NOT SURVEYED)

N 60°11'10" E 1011.91'

GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

LOT 4
46.79 ACRES

S 61°09'18" W 6.89' (TIE)

N 43°29'13" E 1579.75' (TIE TO REFERENCE MONUMENT)

REFERENCE MONUMENT

EASEMENT TERMINATES AT FOUND MONUMENT

S 49°07'02" E 6.42' (TIE)

S 59°44'09" W 757.35'

CENTERLINE OF R.O.W. EASEMENT (PER BOOK 434 AT PAGE 36) (20' WIDE)

FORMER PARCEL B
(VACATED BY THIS PLAT)

S 59°42'48" W 826.48'

721.96'

260.73'

CORNER 7 MS 16025

LEACH PIT (SIZE UNKNOWN)

SEPTIC TANK

STONE KILNS

LOT 2
3.67 ACRES

WELL PERMIT #101379 LOCATION TO BE MODIFIED (SEE NOTE #7, SHEET 1)

LOG CABIN (1 BDRM)

S 46°38'54" W 1235.72'

MINING LEASE AGREEMENT (PER BOOK 429 AT PAGE 378) (NORTH OF LINE)

TO MINE

104.52'

91.79'

N 42°21'33" E 384.32'

333.79'

SHED 36.45'

HOUSE 159.97'

N 47°53'15" E

N 43°54'26" E 72.39'

N 43°54'26" E 90.00'

L=168.45' R=1025.00' DELTA=9°24'34"

POWER PLATE

N 14°13'45" E 2.76' (TIE TO ALUM CAP, LS 37662)

N 47°44'00" E 234.62'

L=57.90' R=975.00' DELTA=1°40'47"

30' ACCESS AND UTILITY EASEMENT

EDGE OF TRAVELED WAY (TYP.)

SEPTIC SYSTEM (1728 CF)

SHED

1250 GAL SEPTIC TANK

HOUSE (2 BDRM)

GARAGE

TO BE REMOVED (SEE NOTE #6, SHEET 1)

COUNTY ROAD 62L

N 42°21'33" E 306.16'

N 43°54'26" E 72.39'

N 46°05'34" W 30.00'

SHED

L=45.11' R=975.00' DELTA=2°49'34"

COUNTY ROAD 62L (SEE SHEET 1)

N 42°21'33" E 1275.38'

217.00'

484.00'

S 47°37'18" E 23.55' (TIE)

S 47°37'18" E 142.87'

S 47°44'00" E 234.62'

L=59.33' R=1025.00' DELTA=3°18'47" PROPERTY LINE TO BE VACATED (TYP.)

N 46°10'13" E 199.45'

N 42°25'33" E 47.16'

L=1004.62' R=1525.00' DELTA=37°46'49"

N 42°16'24" E 200.03'

COUNTY ROAD 62L

EDGE OF TRAVELED WAY (TYP.)

S 47°37'18" E 333.79'

54.36'

242.00'

273.18'

S 47°38'27" E 212.47'

S 47°38'27" E 139.92'

125.25'

LOT 3
2.72 ACRES

WELL PERMIT #286038

137.16'

GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

C.D.O.T. 145 A R.O.W. (NOT IN CONFLICT WITH DEEP CREEK PLACER)

30' R.O.W. EXTENDS FOR APPROXIMATELY 350' FROM THE EDGE OF HIGHWAY 145 (ACTUAL R.O.W. WIDTH IS DEPICTED BY DASHED LINES AND DIMENSIONS SHOWN HEREON)

FORMER PARCEL A
(VACATED BY THIS PLAT) PERMIT #16536

WELL

UTILITY EASEMENT (PER PLAT BOOK 1 AT PAGE 2397)

LOT 1
15.03 ACRES

DEEP CREEK

REFERENCE MONUMENT

CORNER 1, MS 16025 (NOT MONUMENTED)

574.38'

REFERENCE MONUMENT

S 53°39'00" W 31.45' (TIE)

CORNER 8 MS 16025

PORTION OF THE VALLEY PLACER, M.S. 16120 (A.K.A. MAINTENANCE YARD) (COLORADO DEPARTMENT OF TRANSPORTATION)

GOVERNMENT LOT 3
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

LEGEND

- FOUND 3-1/4" BRASS CAP ON 2" IRON PIPE – BLM
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR – LS 24954
- SET 1-1/2" ALUMINUM CAP ON 18" LONG #5 REBAR – LS 37662

Project Mgr:	DB
Technician:	FO/MC
Technician:	
Checked by:	
Start date:	03/18/2015

Rev.	description	date	by

FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dwg\FINAL Subdivision Exemp Plat 11-16 (Sheet 2).dwg | Sheet2 of 2 | Project #: 98006

EXHIBIT B – Proof of Ownership & Access

415790
Page 1 of 2
SAN MIGUEL COUNTY, CO
PEGGY NERLIN CLERK-RECORDER
01-06-2011 02:41 PM Recording Fee $76.00

WARRANTY DEED

State Documentary Fee
Date JAN. 6, 2011
$ 60.00 RJG

THIS DEED, made this 20th **day of December, 2010**, between

Lois K. Morehead, and Daniel Lee Collins

of County of San Miguel, State of Colorado, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is P.O. Box 3055, Telluride, CO 81435 grantee:

WITNESSETH, That the grantor for and in consideration of the sum of **Six Hundred Thousand and 00/100 Dollars**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of **San Miguel** and State of Colorado described as follows:

Parcel A, according to the Subivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.
as known by street and number as: 26Deep Creek Road, Telluride, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Lois K. Morehead

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me on this _____ **day of December, 2010** by **Lois K. Morehead**
Witness my hand and official seal.

My Commission Expires:_____

_____
Notary Public

Daniel Lee Collins

STATE OF Colorado
COUNTY OF San Miguel

Subscribed and sworn to before me on this 20th **day of December, 2010** by **Daniel Lee Collins.**
Witness my hand and official seal.

My Commission Expires: 6/3/12

_____
Notary Public

ANNELIESE K. RIEBEL
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 6/3/12

WARRANTY DEED

THIS DEED, made this _____ day of December, 2010, between

Lois K. Morehead, and Daniel Lee Collins

of County of _____, State of _____, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is P.O. Box 3055, Telluride, CO 81435 grantee:

WITNESSETH, That the grantor for and in consideration of the sum of **Six Hundred Thousand and 00/100 Dollars**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of San Miguel and State of Colorado described as follows:

Parcel A, according to the Subivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.
as known by street and number as: 26Deep Creek Road, Telluride, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Lois K. Morehead

Lois K. Morehead

STATE OF CA
COUNTY OF Butte

Subscribed and sworn to before me on this 20th day of December, 2010 by Lois K. Morehead
Witness my hand and official seal.

My Commission Expires: 7-12-12

V. Welch
Notary Public

V. WELCH
Comm. #1806250
NOTARY PUBLIC-CALIFORNIA
County of Butte
Comm. Expires JULY 12, 2012

_____
Daniel Lee Collins

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me on this _____ day of December, 2010 by Daniel Lee Collins.
Witness my hand and official seal.

My Commission Expires: _____

_____
Notary Public

415791
Page 1 of 1
SAN MIGUEL COUNTY, CO
PEGGY NERLIN CLERK-RECORDER
01-06-2011 02:41 PM Recording Fee $41.00

10

WARRANTY DEED

THIS DEED, made this third day of ~~December, 2010~~ January 2011, between

Katheryn Jean Norris

of County of Barnstable State of Massachusetts, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is PO Box 3055, Telluride, CO 81435 grantee:

State Documentary Fee
Date JAN. 6, 2011
$ 30.00 RJG

WITNESSETH, That the grantor for and in consideration of the sum of Three Hundred Thousand and 00/100 Dollars, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of San Miguel and State of Colorado described as follows:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Katheryn Jean Norris
Katheryn Jean Norris

KJN

STATE OF Massachusetts
COUNTY OF Barnstable

Subscribed and sworn to before me on this 3rd day of ~~December, 2010~~ January 2011 KJN by Katheryn Jean Norris.
Witness my hand and official seal.

My Commission Expires: 12/13/13

Notary Public

BRYNN E. PINA
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
December 13, 2013

11

BILL OF SALE

KNOW BY ALL MEN THESE PRESENTS, That

Lois K. Morehead, Katheryn Jean Norris and Daniel Lee Collins, Co-Trustees, The Collins Living Trust (Trust B), dated March 27, 1986

of the County of Maricopa, State of AZ, (Seller), for and in consideration of TEN AND 00/100 ($10.00) Dollars, in hand paid, at or before the ensealing or delivery of these presents by

Collins Morehead, LLC, a Colorado limited liability company

of **PO Box 3055, Telluride, CO 81435**, (Buyer), the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant and convey unto the said Buyer, his personal representatives, successors and assigns, the following property, goods and chattels, to wit:

Mine Equipment and Tractor

located at:
Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26. and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397.
County of San Miguel, State of Colorado.

TO HAVE AND TO HOLD the same unto the said Buyer, his personal representative, successors and assigns, forever. The said Seller covenants and agrees to and with the Buyer, his personal representatives, successors and assigns, to **WARRANT AND DEFEND** the sale of said property, goods and chattels, against all and every person or persons whomever. When used herein shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 3rd day of ~~December, 2010~~ January, 2011.

Kathryn Jean Norris
Katheryn Jean Norris

KJN

STATE OF MASSACHUSETTS
COUNTY OF Barnstable

The foregoing instrument was acknowledged before me this 3rd day of ~~December, 2010~~ January, 2011 by Katheryn Jean Norris. KJN

Witness my hand and official seal.

My Commission Expires: 12/13/13

Notary Public

BRYNN E. PINA
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
December 13, 2013

ALPINE TITLE
CLOSING INSTRUCTIONS

THIS IS A LEGAL INSTRUMENT. IF NOT UNDERSTOOD, LEGAL, TAX OR OTHER COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.

CASE NO: 1000494
CLOSING DATE: ~~12/31/10~~ 1/5/11

1. **Kathryn Jean Norris** (SELLER) and **Collins Morehead, LLC, a Colorado limited liability company** (PURCHASER) hereby engage **Alpine Title** (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of **San Miguel**, State of CO, to wit:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated **December 15, 2010** with ALL amendments and counterproposals.
3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.
4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.
5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").
6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.
7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.
8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.
9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.
10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.
11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.
12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.
13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, it its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.
14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.
15. SPECIAL INSTRUCTIONS: **NONE**

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager

By: Laurie Lundquist Collins, Member/Manager

Kathryn Jean Norris

By: Jon Morehead, Member/Manager

By: Lois Kathryn Morehead, Member/Manager

Alpine Title

By: _____
Anneliese Riebel

ALPINE TITLE
CLOSING INSTRUCTIONS

THIS IS A LEGAL INSTRUMENT. IF NOT UNDERSTOOD, LEGAL, TAX OR OTHER COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.

CASE NO: 1000494
CLOSING DATE: ~~12/31/10~~ 1/5/11

1. **Katheryn Jean Norris** (SELLER) and **Collins Morehead, LLC, a Colorado limited liability company** (PURCHASER) hereby engage **Alpine Title** (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of **San Miguel**, State of CO, to wit:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated **December 15, 2010** with ALL amendments and counterproposals.
3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.
4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.
5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").
6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.
7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.
8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.
9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.
10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.
11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.
12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.
13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, it its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.
14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.
15. SPECIAL INSTRUCTIONS: **NONE**

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager

Katheryn Jean Norris

By: Laurie Lundquist Collins, Member/Manager

By: Jon Morehead, Member/Manager

By: Lois Kathryn Morehead, Member/Manager

Alpine Title

By: Anneliese Ribbel

ALPINE TITLE
CLOSING INSTRUCTIONS

THIS IS A LEGAL INSTRUMENT. IF NOT UNDERSTOOD, LEGAL, TAX OR OTHER COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.

CASE NO: 1000494
CLOSING DATE: ~~12/31/10~~ January 5, 2011

1. Kathryn Jean Norris (SELLER) and Collins Morehead, LLC, a Colorado limited liability company (PURCHASER) hereby engage Alpine Title (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of San Miguel, State of CO, to wit:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated December 15, 2010 with ALL amendments and counterproposals.
3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.
4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.
5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").
6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.
7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.
8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.
9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.
10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.
11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.
12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.
13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, it its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.
14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.
15. SPECIAL INSTRUCTIONS: NONE

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager

Kathryn Jean Norris
Kathryn Jean Norris

By: Laurie Lundquist Collins, Member/Manager

By: Jon Morehead, Member/Manager

By: Lois Kathryn Morehead, Member/Manager

Alpine Title

By: _____
Anneliese Riebel

ALPINE TITLE
271 S. TOWNSEND, STE. C1
TELLURIDE, CO 81435
Agents for WESTCOR LAND TITLE INSURANCE COMPANY

AFFIDAVIT AND AGREEMENT

The undersigned, being the purchaser(s) and/or borrower(s) of the real property described in Paragraph 9 hereof, and being first duly sworn upon oath, depose(s) and say(s):

1. The representations, covenants and agreements contained herein are made to induce Alpine Title and **Westcor Land Title Insurance Company**, to authorize its title insurance policies to be issued covering the real property described in Paragraph 9 hereof, with full knowledge and intent that such representations, covenants and agreements be relied upon.

2. No construction or repair of improvements on or in the real property described in Paragraph 9 hereof has been commenced or contracted for which has not been fully completed and fully paid for more than four full months prior to the execution hereof, except as described in Paragraph 8 hereof.

3. No claims have been made to affiant(s) or to any other person within the knowledge of affiant(s) on account of work done or materials furnished to the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.

4. Affiant(s) know(s) of no violation of any restrictive protective covenants or governmental restrictions relating to the real property described in Paragraph 9 hereof, and affiant(s) know(s) of no encroachment of improvements onto any adjoining real property or encroachment of improvements from any adjoining real property onto the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.

5. Affiant(s) know(s) of no parties in possession of or claiming possessor rights pertaining to the real property described in Paragraph 9 hereof other than affiant(s), except as described in Paragraph 8 hereof.

6. Affiant(s) know(s) of no outstanding conditional sale contract, security agreements, financing statements, retention of materials, fixtures appliances, furnishings or equipment located on the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.

7. Affiant(s) covenant(s) and agree(s) to indemnify and hold harmless Alpine Title and **Westcor Land Title Insurance Company**, from any loss or damage which would not have occurred if the representations contained herein had been true and if the covenants and agreements contained herein had been fully performed.

8. All exceptions relating to Paragraphs 2, 3, 4, 5, and 6 hereof are as follows: **NOTE: DO NOT LEAVE THIS SPACE BLANK.** If there are not exceptions, write "no exceptions" in this space.

NO EXCEPTIONS

9. The real property to which this affidavit and agreement relates is located in the State of Colorado and is described as follows:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397.
County of San Miguel, State of Colorado.

Property Address: Vacant Land, Telluride, CO 81435

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by **Daniel L. Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company**.

Witness my hand and official seal.

My Commission Expires: 6/3/12

Notary Public

ANNELIESE K. RIEEL
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 6/3/12

Collins Morehead, LLC, a Colorado limited liability company

By Laurie Lundquist Collins, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by **Laurie Lundquist Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires: 6/3/12

Notary Public

ANNELIESE K. PIEPER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 6/3/12

Collins Morehead, LLC, a Colorado limited liability company

By Jon Morehead, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by **Jon Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires:_____

Notary Public

Collins Morehead, LLC, a Colorado limited liability company

By Lois Kathryn Morehead, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by **Lois Kathryn Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires:_____

Notary Public

Collins Morehead, LLC, a Colorado limited liability company

_____
By Laurie Lundquist Collins, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by **Laurie Lundquist Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires:_____

_____
Notary Public

Collins Morehead, LLC, a Colorado limited liability company

Jon Morehead
By Jon Morehead, Member/Manager

STATE OF ~~COLORADO~~ CA V.W
COUNTY OF ~~SAN MIGUEL~~ Butte

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by **Jon Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires: 7-12-12

V. Welch
Notary Public

REN1 V. WELCH Comm. #1806250 NOTARY PUBLIC-CALIFORNIA County of Butte Comm. Expires JULY 12, 2012 REN1

Collins Morehead, LLC, a Colorado limited liability company

Lois Kathryn Morehead
By Lois Kathryn Morehead, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by **Lois Kathryn Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.**

Witness my hand and official seal.

My Commission Expires:_____

_____
Notary Public

STATEMENT OF AUTHORITY
Collins Morehead, LLC, a Colorado limited liability company

Effective Date: December 8, 2010

1. The name of the entity for which this Statement of Authority is being executed and provided is "Collins Morehead, LLC, a Colorado limited liability company" ("**Company**").

2. The Company is a limited liability company duly formed under the laws of the State of Colorado. The initial and current "**Members**" of the Company are: Daniel Lee Collins and Laurie Lundquist Collins (together "**Collins**") and Jon Morehead and Lois Kathryn Morehead (together "**Morehead**").

3. The principal address of the Company is 26 Deep Creek Road, Telluride, Colorado 81435-3055. The mailing address of the Company is P.O. Box 3055, Telluride, Colorado 81435-3055.

4. The Company is pursuing the acquisition ("**Parcel B Transaction**") of Parcel B, Deep Creek Placer, San Miguel County, Colorado ("**Parcel B**").

5. The management of the Company is vested in "**Managers**". The initial and current Managers of Company are: Daniel L. Collins, Laurie Lundquist Collins, Jon Morehead and Lois Kathryn Morehead. Initially and only with respect to the Parcel B Transaction, the Members and Managers hereby designate, appoint and authorize Daniel L. Collins to individually execute and deliver any and all necessary and appropriate documents required to complete the Parcel B Transaction. The signature of Daniel L. Collins with respect to the documents associated with the Parcel B Transaction will be sufficient to bind the Company. In all other instances, separate and apart from the Parcel B Transaction, the signature of each of the Managers will be required to transact business on behalf of the Company.

6. In addition to the specific authority as provided for hereinabove with respect to the Parcel B Transaction, the Company states and affirms that the Managers are duly authorized to undertake any and all lawful actions deemed necessary and appropriate by the Managers for and on behalf of the Company, including, without limitation, the acquisition, leasing and disposal of real and personal property for the Company ("**Company Property**"); the acquisition and disposal of negotiable instruments; the procurement of financing for the Company; the opening, operating and administering bank accounts on behalf of the Company; the submission, processing and completion of plan and permit applications concerning the use and development of any and all Company Property; entering into contracts and agreements to retain consultants to assist in the development of any Company Property; and all other actions for which a Colorado limited liability company is authorized to undertake under applicable law.

7. The foregoing authority shall extend to and authorize the Managers to execute, deliver and, where appropriate, record instruments and documents concerning these powers, which third parties may rely upon as evidence of a duly binding and effective commitment on the part of the Company.

[Signatures appear on next pages]

Executed and Approved by the Members and Managers.

COLLINS:

By: _____ Date: 12-08-10
Daniel L. Collins, Member/Manager

By: _____ Date: Dec 8, 2010
Laurie Lundquist Collins, Member/Manager

STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8th day of December, 2010 by Daniel L. Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

_____ My commission expires 10/16/2014
Notary Public

NOTARY PUBLIC
KIMBERLY A. RISNER-TINDALL
STATE OF COLORADO

STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8 day of December, 2010 by Laurie Lundquist Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Anne M Connor My commission expires 10/29/14
Notary Public

NOTARY PUBLIC
ANNE M. CONNOR
STATE OF COLORADO

MOREHEAD:

By: Jon Morehead Date: 12/13/10
Jon Morehead, Member/Manager

By: Lois Kathryn Morehead Date: 12/13/10
Lois Kathryn Morehead, Member/Manager

STATE OF California)
) ss:
COUNTY OF Butte)

PAMELA JOY MOODY
Commission # 1794969
Notary Public - California
Butte County
My Comm. Expires May 4, 2012

The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Jon Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

STATE OF California)
) ss:
COUNTY OF Butte)

The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Lois Kathryn Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

PAMELA JOY MOODY
Commission # 1794969
Notary Public - California
Butte County
My Comm. Expires May 4, 2012

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EXHIBIT C – Pre-Application Summary

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

March 31, 2022

Dan Collins, by email: dan.collins@asu.edu
Laurie Lundquist, by email: laurie@laurielundquist.com
Anton Viditz-Ward, by email: antonviditzward@gmail.com

Re: 1. Pre-application Conference Summary for a Special Use Permit to allow a Light Industrial, research and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events to occur at the former mine
2. Conditions of Approval for Deep Creek Placer Subdivision Exemption

Dear Dan, Laurie and Anton,

1. Lot 4, Deep Creek Placer Special Use Permit

On April 4, 2016, a pre-application conference summary letter was issued regarding rezoning Lot 4, Deep Creek Placer, from Forestry, Agriculture and Open (F) to Heavy Commercial (HC), and for a Special Use Permit to allow a light industrial, research and development facility for artisans and craftsmen and for public facilities to allow specific cultural events to occur at the former mine. On November 14, 2016, an application was received for rezoning. On April 24, 2017, the Board of County Commissioners approved the request to rezone the property. While the application for a Special Use Permit was submitted concurrent with the rezoning application, it was found to be incomplete and was not heard. On April 4, 2019, following a meeting with Planning staff, a new Pre-Application letter was issued. This letter is intended to update and replace both prior letters.

The purpose of this correspondence is to provide an updated Pre-application Conference Summary for the Special Use Permit, in accordance with San Miguel County Land Use Code Section 4-207, for a One-step Planning Commission review process to allow light industrial, research and development facilities for artisans and craftsmen, which is listed in LUC Section 5-308 B as an allowed use through a SUP review process. To potentially allow the various "cultural events" you have referred to in your vision statement for the mine and that have been occurring at the mine, the Special Use Permit application would also need to include a specific proposal and information concerning the "Public Facilities" you are seeking to have considered and potentially approved at the former mine.

As noted in the prior letter, you were working with the State Electrical Inspector to obtain permits and approval of the electrical system. You were also working with the Telluride Fire Marshal regarding development of a fire protection plan and adequacy of ventilation. Since Jim Boeckel

has retired, you will now need to contact Scoot Heidergott, the new Fire Marshal, to determine what his requirements will be. You will also need to work with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety. Since we last spoke, we have a new Building Official, Matt Gonzales, and you will need to work with him to determine if there are any Building Code compliance issues. Despite not having the Special Use Permit (SUP), commercial and industrial activities have continued to occur on the site, along with several special events. It is imperative that you obtain the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. With regards to the special events, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours needs to be provided in the application.

Submission Requirements

See Attached ***Submission Requirements***

Review Standards

See Attached ***Review Standards***

Deep Creek Placer Subdivision Exemption Plat Conditions of Approval

When the Deep Creek Placer Subdivision Exemption Plat was approved in June of 2017, Board of County Commissioners (BOCC) Resolution No. 2017-009, recorded on June 22, 2017, contained the following condition:

> 2. *The existing two-story house located within the ROW for CR 62L shall be removed prior to the issue of a Certificate of Occupancy for a Single-family dwelling or structure on Lot 3 of the Deep [C]reek Place[r] Subdivision Exemption Plat. If a Single-family dwelling is not permitted and constructed on Lot 3 within five (5) years of the date of recording of this resolution the house located in the ROW shall be removed at that time.* (emphasis added)

You have indicated that due to a number of circumstances, you are not ready to remove the house from the right-of-way by the June 22, 2022 deadline. You may submit a request to the BOCC, asking for an amendment to that condition. The request should include an explanation of why the house has not yet been removed, and propose a reasonable new deadline for the removal of the house from the right-of-way. If the BOCC approves an amendment to Resolution 2017-009, they may impose additional conditions, such as including the requirement that you enter into an encroachment or indemnification agreement and/or include the County as a named insured on a policy that meets County limits for any liability or damages that may occur as a result of the structure being in the right-of-way.

The Deep Creek Placer Subdivision Exemption Plat (Reception No. 449067) includes note 7, which states, "*The existing well Permit # 101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single-family Dwelling or structure on Lot 3.*" Per the Resolution, all Final Plat notes are considered conditions of approval. We would

strongly encourage you to proceed with placing the well in a manhole this summer to complete that condition. You will need to obtain a Special Construction Permit from the San Miguel County Road and Bridge Department for work in the CR 63L right-of-way.

Scheduling of Application Consideration

Please submit one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements. The Planning Department can then schedule the Special Use Permit for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date. This pre-application letter is valid for one year from date of letter.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

Payment of $750 for the SUP and **$275 for the Extension of the Conditions of Approval** to San Miguel County must accompany the application(s) for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,



Kaye Simonson, AICP
Planning Director

" Z:\Applications letters\Preapp\Deep Creek Mine.Lot 4.SUP.2022"

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All development applications shall include, at 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.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps which may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder

with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards for Special Uses

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

5-1002 A. Consistency with Master Plan, Land Use Polices, Zone District and Neighborhood

The Use shall be:

I. Consistent with the County Master Plan;

II. Consistent with County Land Use Policies in Article 2;

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;

V. Necessary for public convenience at the proposed location; and

VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

I. A Site plan including:

a. Ownership, Use and zoning of all adjacent Parcels;

b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;

c. Recorded and apparent easements;

d. Location and dimensions of Structures and Signs;

e. Typical elevations/Heights of such Buildings;

f. Landscaping;

g. Topography;

h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and

i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;

II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;

III. Signs - all Signs must meet Section 5-704 standards;

IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;

V. Drainage plan;

VI. Grading plan;

VII. Dust control plan;

VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

I. Weed control plan that must include use of weed free hay or straw;

II. Wildlife Plan (see Section 5-407 A. XII.); and

XI. Additional permits as necessary from other agencies.

5-1002 F. Review of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval. If the owner has not obtained a Development Permit for the approved Special Use and/or commenced the approved use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development Permits for an approved Special Use shall not be issued following the expiration of the three (3) year period, prior to the required Public Hearing.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-1002 F. I. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review in accordance with the

provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following

regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;

b. Fence is limited to 42: in height;

c. At least 12” between the top two wires or rails;

d. At least 16” between the bottom wire or rail and the ground;

e. Posts at minimum 16’ intervals;

f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;

g. Using a rail, high-visibility wire, flagging or other visual markers for the top.

h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife passage.

i. Perimeter fencing of an entire parcel is discouraged.

j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal

control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;

5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;

5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;

5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;

5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;

5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;

5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and

5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

EXHIBIT D – Calendar of Events

EXHIBIT D: Calendar of Events - Deep Creek Mine

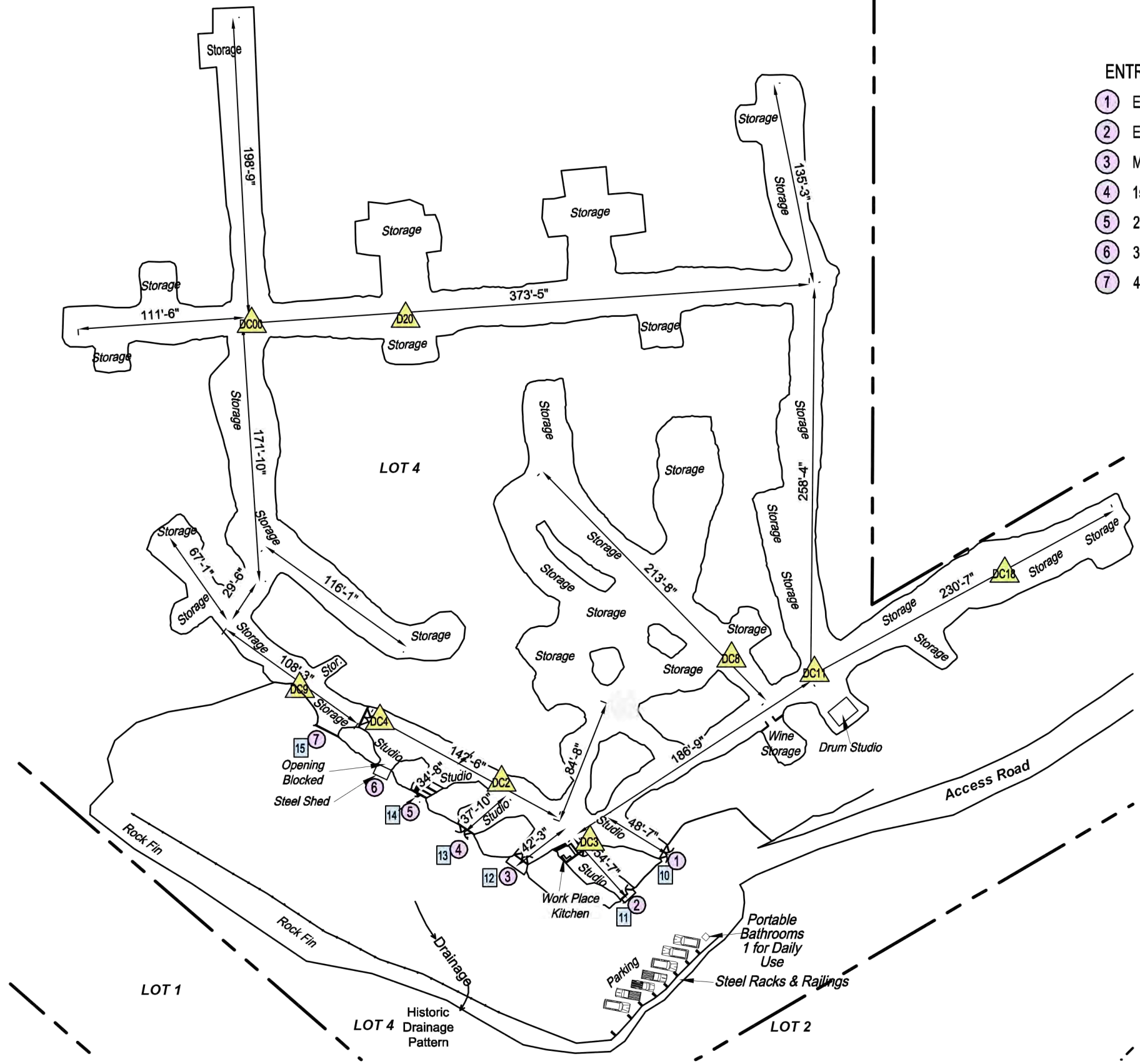
Proposed events:

- Mountain Film Burn – May annual.
- Original Thinkers Event – Early October annual or semi annual.
- Halloween Burn – October potentially annual
- Winter Solstice Burn – December annual
- 4 Private Events – TBD

Notes:

- 199 guests or less.
- These events often center around the burning of a wood sculpture.
- These events include mechanical fire sculptures, an altar, light art, live music and a DJ.
- No burn events are conducted during the summer.

EXHIBIT E – Parking, Drainage, and Station Points



ENTRANCE KEY NOTES

1. East Portal
2. East Entrance
3. Main Entry Portal
4. 1st South Portal
5. 2nd South Portal
6. 3rd South Portal
7. 4th South Portal

DOOR KEY NOTES

10. Steel Mesh Door
    Opening 7'-2" wide 8'-3" high
11. Wood Door
    Opening 4'-0" wide 7'-5" high
12. Steel Mesh Doors
    Opening 10'-5" wide 10'-8" high
13. Steel & Wood Doors
    Opening 9'-6" wide 9'-5" high
14. Doors
    Opening 2'-4" wide 7'-0" high
15. Ventilation & Light Only
    Opening 12'-6" wide 8'-0" high

CONTROL KEY NOTES

DC00	0,000 ceiling / 0,000 floor
DC2	8,133.67 back / 8,122.59 floor
DC3	8,136.32 back / 8,125.2 floor
DC4	8,134.53 back / 8,121.83 floor
DC8	8,136.81 back / 8,127.6 floor
DC9	8,134.62 back / 8,119.6 floor
DC11	8,138.83 back / 8,126.2 floor
DC18	8,132.57 back / 8,114.6 floor
DC20	8,139.13 back / 8,121.9 floor

N

80 0 80

SCALE IN FEET

PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE -- S.U. P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
FUTURE USE EXHIBIT - DAILY ACTIVITY

PROJECT
DATE May 1, 2022

EXHIBIT L[211]

Q:\22\74290-01\65CAD\Civil\Rezoning Exhibits.dwg PLOT DATE 2016-11-11 10:56 SAVED DATE 2016-11-10 16:17 USER: dcastillo

EXHIBIT F – BOCC Zoning Resolution

448198
Page 1 of 6
SAN MIGUEL COUNTY, CO
M. KATHLEEN ERIE, CLERK-RECORDER
04-24-2017 12:12 PM Recording Fee $0.00

RESOLUTION OF THE BOARD OF COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, REZONING LOT 4, DEEP CREEK PLACER SUBDIVISION EXEMPTION FROM THE FORESTRY AGRICULTURE AND OPEN (F) ZONE TO THE HEAVY COMMERCIAL (HC) ZONE DISTRICT

Resolution 2017-011

WHEREAS, the Collins Morehead, LLC, ("Applicant") owners of the Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property, totaling 46.79 acres, have applied for a Rezoning to rezone Lot 4 from Forestry Agriculture and Open (F) to Heavy Commercial (HC). The former Deep Creek Placer Limestone Mine is located on Lot 4. In 1986 the Planning Commission approved a Special Use Permit issued to B-Mining authorizing the operation of a Limestone Mine in the F Zone District located on Parcel B of the Deep Creek Placer. The County subsequently advised the State Mined Land Reclamation Division of the County's SUP approval prior to the State's issuance of its mining and reclamation permit. This agency is now known as the Division of Reclamation and Mine Safety (DRMS). It is staff's understanding from Dan Collins that all mining on the property ceased around 1995. The DRMS post mining use designation for this mine is as "Wildlife Habitat". In a September 10, 2014 email addressed to me, Dan Collins indicated that the current DRMS reclamation plan for the "post mining" reclamation requirement for "Wildlife Habitat" would require the owners to bring the site back to as "natural" a condition as possible including ripping out the access road, removing the 440 power, back filling the portals, berming and seeding the equipment apron, controlling storm runoff, etc. This has been confirmed by Lucas West, DRMS;

WHEREAS, in a January 20, 2016 letter to the SMC BOCC, Dan Collins, Managing Partner Collins-Morehead, LLC, wrote to the Board to advise them that they have applied to DRMS to amend their "post mining" reclamation plan for the Limestone Mine on their property at Deep Creek Placer and provided the County with a copy of their application to DRMS. This application advises that the applicant/operator proposes to reclaim the Limestone Mine to a "Light Industrial" use. In reviewing this letter to the BOCC and the application to the DRMS to change the reclamation plan from "Wildlife Habitat" to Light Industrial Uses Staff contacted Dan Collins, and his family members, to advise that many of the listed uses and proposed uses at the mine are not identified as either an Allowed Use or even a Use Allowed through Special Use Permit Review in the existing F Zone District, which is the zoning of the Limestone Mine property. I also explained that C.R.S. provides that any mining operator that is subject to the Colorado Mined Land Reclamation Act, such as the Collins-Morehead, LLC, is also subject to the zoning and land use authority and regulation by the political subdivision in which the permitted mining operation is located, in this case, San Miguel County. In discussing this matter and the DRMS review process for applications that propose to amend the approved post mining reclamation plan, such as the former B-Mining Limestone Mine, with DRMS representatives, it is staff's understanding that in order for DRMS to approve the application to amend the reclamation requirements the proposed post-mining use must be in compliance with the local government's zoning of the property. The proposed "light industrial" use(s) identified in the DRMS application are not allowed in the F Zone district;

WHEREAS, on March 11, 2016 the Board of County Commissioners (BOCC) held a work session at Dan Collins request to discuss the application to DRMS to reclaim the former Limestone Mine to a Light Industrial Use(s) and the county zoning and applicable Land Use Code provisions. Following that work session, Michael Rozycki, Planning Director, prepared a letter, dated March 18, 2016, addressed to Dan Collins and Lois Morehead outlining a suggested potential path forward for having their post mining plans for the mine considered through an appropriate Land Use Review process. These identified steps included having the application with DRMS placed on hold until such time as Collins Morehead have obtained County approval of the requisite rezoning from F to HC and obtaining Special Use Permit approvals so that the post reclamation plan uses that are presented to DRMS are in fact allowed uses per County Zoning and conform to the applicable provisions of the County LUC. In a March 23, 2016 email to Mr. Rozycki, Laurie Lindquist Collins stated that the Collins Morehead LCC agreed to take the actions as outlined in his March 18, 2016 letter and placed the DRMS application on hold pending county approval of the requisite rezoning and agreed to submit its rezoning application to the County and apply for a Special Use Permit(s);

WHEREAS, the Applicant submitted a "post mining reclamation plan" to the Colorado Division of Reclamation, Mining and Safety (DRMS) in December 2015 to convert the reclamation plan to a "non-commercial, light industrial facility for equipment maintenance and welding". In May of 2016 the Applicant filed another amendment to the plan to convert the mine to a "heavy commercial facility for equipment maintenance, welding and storage". In August of 2016 the Applicant requested an Extension of the amended "post mining reclamation plan" application until they could rezone the parcel to HC. The DRMS granted this extension until May 7, 2017 to allow for San Miguel County and the Applicant to arrive at a mutually acceptable course of action regarding rezoning the property. One of the stipulations for approval of the proposed mine reclamation plan that is to be reviewed and approved by DRMS is that the reclamation classification and closure plan is to conform to the applicable County Zoning and the County Land Use Code. The ultimate goal of this process is to terminate all obligations with respect to the State of Colorado and DRMS and to sunset the mining permit and reclaim the property to the heavy commercial facility uses. With regards to San Miguel County the objective is to come into compliance with the Land Use Code and establish a set of guidelines that can be used to determine the suitability and limits for future uses in accordance with the LUC;

WHEREAS, the Applicant is seeking a Rezoning of Lot 4, of the Deep Creek Placer Subdivision Exemption to rezone Lot 4 from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) to allow for Research Development, Artist/Craftsman workspace, and specific cultural events. The existing and proposed uses on Lot 4 will require various Special Use Permits. The Rezoning application was certified complete and was referred out to several referral entities and has been noticed for review and recommendation by the Planning Commission at its March 8, 2017 meeting. The Special Use Permit applications, as submitted, identify a list of specific uses that may be considered through SUP Review in the HC Zone District, have been found to be incomplete, have not been certified complete, and have not been sent to the requisite referral entities at this time. Staff has requested additional information and clarifications regarding their Special Use Permit applications and is waiting for the Applicants to revise, modify and complete their Special Use Permit applications before they may be presented to and considered by the CPC. The Planning Commission was only asked to provide a

recommendation to the BOCC regarding the proposed Rezoning of Lot 4 from F to the Heavy Commercial (HC) Zone District. There are **no** uses allowed by right in the Heavy Commercial (HC) Zone District. All Uses in the HC Zone District are only allowed subject to One-step Planning Commission Special Use Permit Review and Approval;

WHEREAS, the Deep Creek Placer and the subject parcel that is proposed to be rezoned to the HC Zone District is located approximately 7 miles west of Telluride, north of State Highway *145, across from the* County maintenance shop which is zoned Public (PUD) and the Colorado Department of Transportation (CDOT) maintenance shop, which exempt from county zoning, west of Deep Creek and CR 62L (Deep Creek Road), and is the current site of the Deep Creek Placer mine which previously has been operated as a Limited Impact (110) Operation as a limestone mining operation. It was actively mined for limestone until about 1995. The applicant states the mine has evolved to support a variety of "non-mining uses" including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. Additionally, the exterior "equipment apron", which is approximately two (2) acres in size, and part of the interior of the mine, has been used approximately four times a year for cultural events of less than 200 people associated with Telluride Arts, the Mountain Film Festival, the Deep Creek Experimental, and the Telluride Institute and other local non-profits;

WHEREAS, Rezoning applications are a Two-step Planning Commission and Board of County Commissioner review pursuant to Land Use Code Section 5-1803 Rezoning. If the parcel is rezoned to HC future uses on the parcel will require One-step Planning Commission Special Use Permit review pursuant to Land Use Code Section 5-308 B.;

WHEREAS, the Applicant states the plan is consistent with the San Miguel County Comprehensive Development Plan (Master Plan), surrounding Zone Districts, and land uses. Specifically, the property south of the subject parcel across State Highway 145 which is occupied by the County and State Highway Department road maintenance facilities. The only residential units adjacent to the mine property are owned by the Applicant. The Applicant states the rezoning would cause no excessive demands on public facilities, principally the adjacent County Road and also states that no significant impacts on the local environment will result from the proposed uses and that there are no significant impacts on local transportation or safety issues;

WHEREAS, the Applicant states the proposed zoning change provides a location for new commercial activities that will serve the local community and provide a "protected space" for a range of industrial and experimental activities. If the rezoning is approved by the Board of County Commissioners the Applicant will pursue obtaining Special Use Permits for some of the activities they envision for the property appropriate to the HC Zone District due to the associated noise and smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (kinetic fire sculptures and music events), and equipment (diesel equipment operation). In addition they are considering other HC uses such as Storage, Manufacturing, Light Industrial, Research & Development Facilities, Public Facilities (excluding those allowed in the F Zone District), Staging for Construction Contractor, and Auto Repair Shops as uses within the 65,000 sq. ft. underground portion of the facility;

WHEREAS, it is anticipated based on ongoing discussions that the Applicant may scale back on a number of the proposed special uses such as, but not limited, to an auto repair shop;

WHEREAS, the subject property is located outside of the Telluride Region Master Plan area and is within the San Miguel Canyon Master Plan. The San Miguel Canyon Area Master Plan stated Goal for Commercial uses is to locate commercial facilities, including trades, crafts and fabrications, in appropriate areas primarily to serve local and regional residences, while limiting traffic, environmental and visual impacts and maintaining rural quality of life;

WHEREAS, the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. Although some light industrial uses could be appropriate for this Zone District, heavy industrial activity would not be, and would be better accommodated through the special permit process in the Agriculture, Forestry and Open (F) Zone District. It is intended that the HC Zone District be located so that the heavy commercial activity and its accompanying noise and/or smell is compatible with neighboring land uses;

WHEREAS, the applicant posted a sign on the property and along Deep Creek Road near the highway and sent notice of the proposed rezoning application and Planning Commission meeting date to all property owners within 500 feet of the subject property. A Public Hearing Notice was published in the Norwood Post and Telluride Daily Planet on April 5, 2017;

WHEREAS, in accordance with the applicable LUC and statutory requirements, the San Miguel County Planning Commission considered the application to rezone the subject property from the F to the HC zone at a public meeting held on March 8, 2017, in Telluride, CO, at which they unanimously recommended approval of the rezoning application;

WHEREAS, the Applicant posted a sign on the property and sent notice to all property owners within 500 feet of the subject parcels and all property owners along Deep Creek Road (CR 62L to CR T60), providing information regarding the proposed application and the time and date of the BOCC meeting. A Public Hearing notice was published in the Norwood Post and the Telluride Daily Planet on April 5, 2017;

WHEREAS, LUC 5-1803 Rezoning, sets forth the criteria to be considered in the approval or disapproval of rezoning requests,

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Conflicts with any applicable Sections of the Land Use Code;

II. Is consistent with the San Miguel County Comprehensive Development Plan;
III. Is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
IV. Would result in demands on public facilities, and so would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
V. Would result in significant adverse impacts on the natural environment;
VI. Is consistent and compatible with the community character; and
VII. Would be in conflict with the public interest;

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony from the public, at a Public Hearing in Telluride on April 19, 2017;

WHEREAS, the BOCC does hereby find that there is competent evidence in the public hearing record to support the finding that LUC criteria set forth in LUC 5-1803 A., I – VII. have been satisfied, specifically, that the proposed rezoning of the subject property:

i. Does not conflict with any applicable Sections of the Land Use Code;
ii. Is consistent with the San Miguel County Comprehensive Development Plan;
iii. Is compatible with the surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
iv. Would not result in demands on public facilities, and would not exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
v. Would not result in significant adverse impacts on the natural environment;
vi. Is consistent and compatible with the community character; and
vii. Would not be in conflict with the public interest.

5-1803 B. Conditions affecting the subject parcel have sufficiently changed since the imposition of the F Zone district on the property in 1972, that the public health, safety, and welfare will be served by the rezoning of the subject property to the Heavy Commercial (HC) zone district;

5-1803 C. the effect of the proposed rezoning amendment on traffic generation and road safety will be addressed at the time the County Planning Commission or the Board of County Commissioners considers a Special Use Permit application for specific uses that may be allowed through a one or two step review process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves a Rezoning of Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) finding that the HC zoning may potentially allow some of the proposed industrial uses on a property that has been previously used for limestone mining and finds the proposed rezoning is compatible with the surrounding land uses and neighborhood characteristics, would not result in significant adverse impacts on the natural environment, or be in conflict with the public interest, and finds the application to be in compliance with the County Master Plan and the Land Use Code Sections 5-308 Heavy Commercial Zone District and 5-1803 Rezoning..

BE IT FINALLY RESOLVED that all written representations submitted in the application and all supplements are considered conditions of approval unless modified by this review process.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on April 24, 2017.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

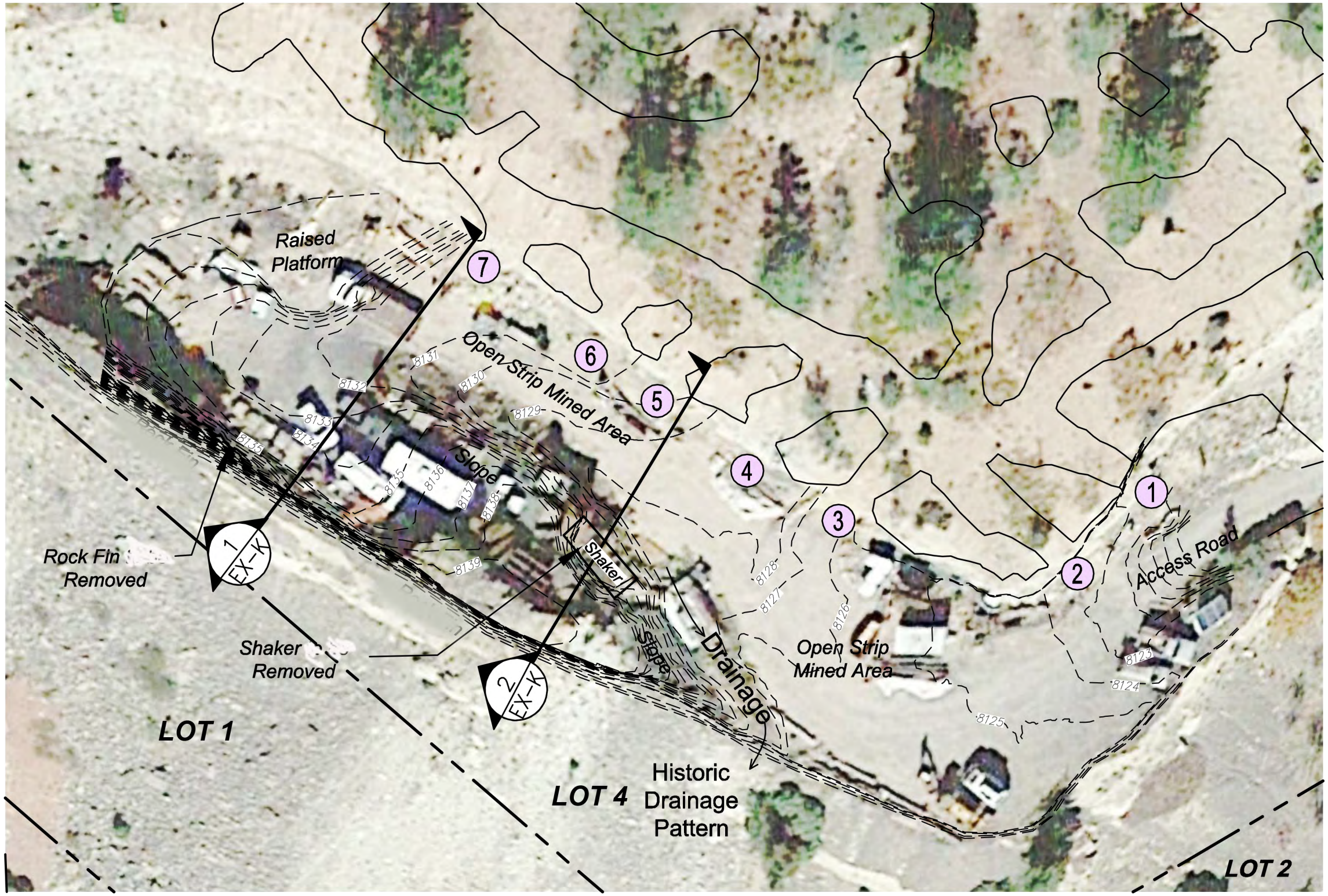
By: Joan May
Joan May, Chair

Vote:					
	Joan May	Aye	Nay	Abstain	Absent
	Kris Holstrom	Aye	Nay	Abstain	Absent
	Hilary Cooper	Aye	Nay	Abstain	Absent

ATTEST:
By: Carmen K. Wa
Chief Deputy Clerk

COUNTY CLERK CO SAN MIGUEL COUNTY

EXHIBIT G – Existing Conditions



ENTRANCE KEY NOTES

1. East Portal
2. East Entrance
3. Main Entry Portal
4. 1st South Portal
5. 2nd South Portal
6. 3rd South Portal
7. 4th South Portal

N

40 0 40

SCALE IN FEET

GOOGLE EARTH AERIAL IMAGE

PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE - -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
EXISTING CONDITIONS

PROJECT
DATE May 1, 2022

220

Q:\22\74290-01\65CAD\Civil\Rezoning Exhibits.dwg PLOT DATE 2016-11-11 10:55 SAVED DATE 2016-11-10 16:17 USER: dcastillo

EXHIBIT H – DRMS Permit Release

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

October 11, 2021

Dan Collins
Collins Morehead, LLC
1417 South Grandview Drive
Tempe, AZ 85281

RE: Deep Creek Placer, Permit No. M-1986-102, Full and Final Permit Release Approval (SL-1)

Dear Mr Collins:

On September 27, 2021 the Division of Reclamation, Mining and Safety (Division) received a request for the Full and Final Release of reclamation responsibility for the above listed site. Based on the observations made during the September 27, 2021 Inspection, Division Staff has determined the Operator has successfully completed reclamation of the site in accordance with the Act, Rules and Regulations and the Approved Reclamation Plan. Therefore on October 11, 2021 the Division has **approved** your release request and you are hereby released of any further reclamation liability.

According to Rule 1.4.11(1)(b), the Division must wait 30 days from the date of this letter before releasing the Financial Warranty, in order to address any comments or objections to this decision. After November 26, 2021 please contact Sara Stevenson-Benn at 303-866-3567 Ext. 8187. If you have any further questions or concerns please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.
Sincerely,

Lucas J. West
Environmental Protection Specialist

Encl: M-1986-102 SL-1 Inspection Report

cc: Travis Marshall, Senior Environmental Protection Specialist
Sara M. Stevenson-Benn, DRMS

EXHIBIT I – 2 Story & Well Site Plan

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.

SCALE: 1" = 50'
0 10 20 30 40 50 100

GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

N 00°11'10" E 1011.91'

S 49°07'02" E 1172.41'

911.69'

MINERAL SURVEY LINE (NOT SURVEYED)

S 01°39'19" W 0.86' (TIE)

N 43°59'13" E 159.75' (TIE TO REFERENCE MONUMENT)

REFERENCE MONUMENT

LOT 4
46.79 ACRES

EASEMENT TERMINATES AT FOUND MONUMENT

S 49°07'02" E 6.42' (TIE)

S 59°44'09" W 757.35'

C.D.O.T. 145 A R.O.W. (NOT IN CONFLICT WITH DEEP CREEK PLACER)

PORTION OF THE VALLEY PLACER, M.S. 1512O (A.K.A. MAINTENANCE YARD) (SAN MIGUEL COUNTY)

S 49°07'38" E 919.75'

CENTERLINE OF R.O.W. EASEMENT (PER BOOK 434 AT PAGE 36) (20' WIDE)

FORMER PARCEL B
(VACATED BY THIS PLAT)

721.96'

S 59°42'48" W 826.48'

CORNER 7 MS 16025

260.73'

LEACH PIT (SIZE UNKNOWN)

SEPTIC TANK

STONE KILNS

LOG CABIN (1 BDRM)

WELL PERMIT #101379 LOCATION TO BE MODIFIED (SEE NOTE #7, SHEET 1)

LOT 2
3.67 ACRES

MINING LEASE AGREEMENT (PER BOOK 429 AT PAGE 378) (NORTH OF LINE)

S 66°38'54" W 1225.72'

TO MINE

104.52'

91.79'

N 42°21'33" E 384.32'

SHED 59.45'

HOUSE 159.97'

SHED

EDGE OF TRAVELED WAY (TYP.)

N 47°53'15" E

N 42°21'33" E 306.16'

POWER POLE

N 14°13'45" E 2.76' (TIE TO ALUM. CAP, L.S. 37662)

N 47°44'01" E 234.62'

30' ACCESS AND UTILITY EASEMENT

SEPTIC SYSTEM (1728 CF)

1250 GAL SEPTIC TANK

HOUSE (2 BDRM)

GARAGE

COUNTY ROAD 62L

TO BE REMOVED (SEE NOTE #6, SHEET 1)

SHED

COUNTY ROAD 62L (SEE SHEET 1)

COUNTY ROAD 62L

EDGE OF TRAVELED WAY (TYP.)

PROPERTY LINE TO BE VACATED (TYP.)

333.79'

S 47°37'18" E

FORMER PARCEL A
(VACATED BY THIS PLAT)

WELL PERMIT #16536

DEEP CREEK

LOT 1
15.03 ACRES

LOT 3
2.72 ACRES

UTILITY EASEMENT (PER PLAT BOOK 1 AT PAGE 2397)

30' R.O.W. EXTENDS FOR APPROXIMATELY 350' FROM THE EDGE OF HIGHWAY 145 (ACTUAL R.O.W. WIDTH IS DEPICTED BY DASHED LINES AND DIMENSIONS SHOWN HEREON)

212.47'

S 47°38'27" E

273.18'

242.00'

WELL PERMIT #286038

REFERENCE MONUMENT

CORNER 1, MS 16025 (NOT MONUMENTED)

574.38'

217.00'

484.00'

N 42°21'33" E 1275.38'

REFERENCE MONUMENT

S 53°39'00" W 31.45' (TIE)

CORNER 8 MS 16025

GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

GOVERNMENT LOT 3
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

LEGEND

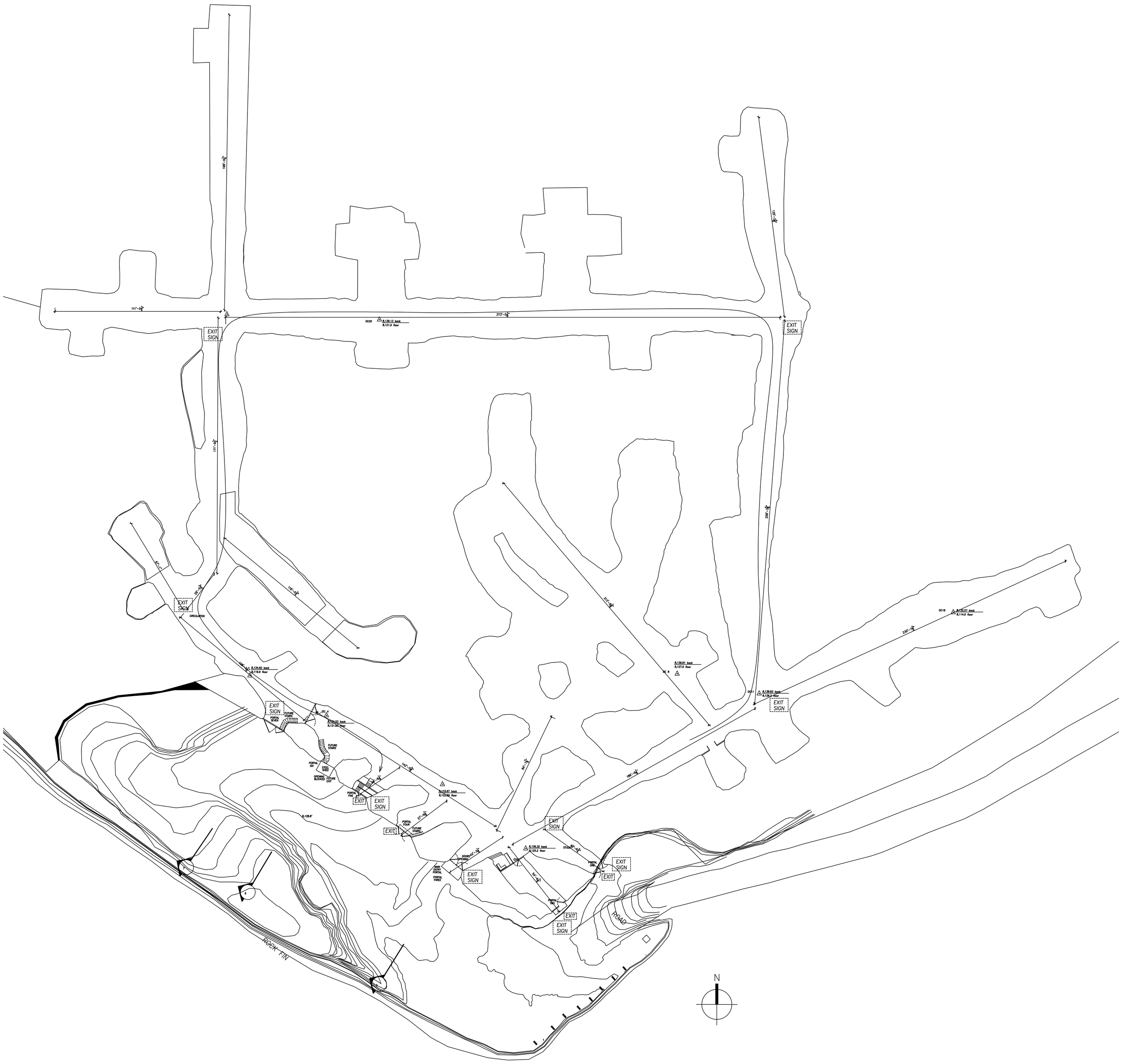
- FOUND 3-1/4" BRASS CAP ON 2" IRON PIPE – BLM
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR – LS 24954
- SET 1-1/2" ALUMINUM CAP ON 18" LONG #5 REBAR – LS 37662

Project Mgr:	DB
Technician:	FO/MC
Technician:	
Checked by:	
Start date:	03/18/2015

Rev.	description	date	by

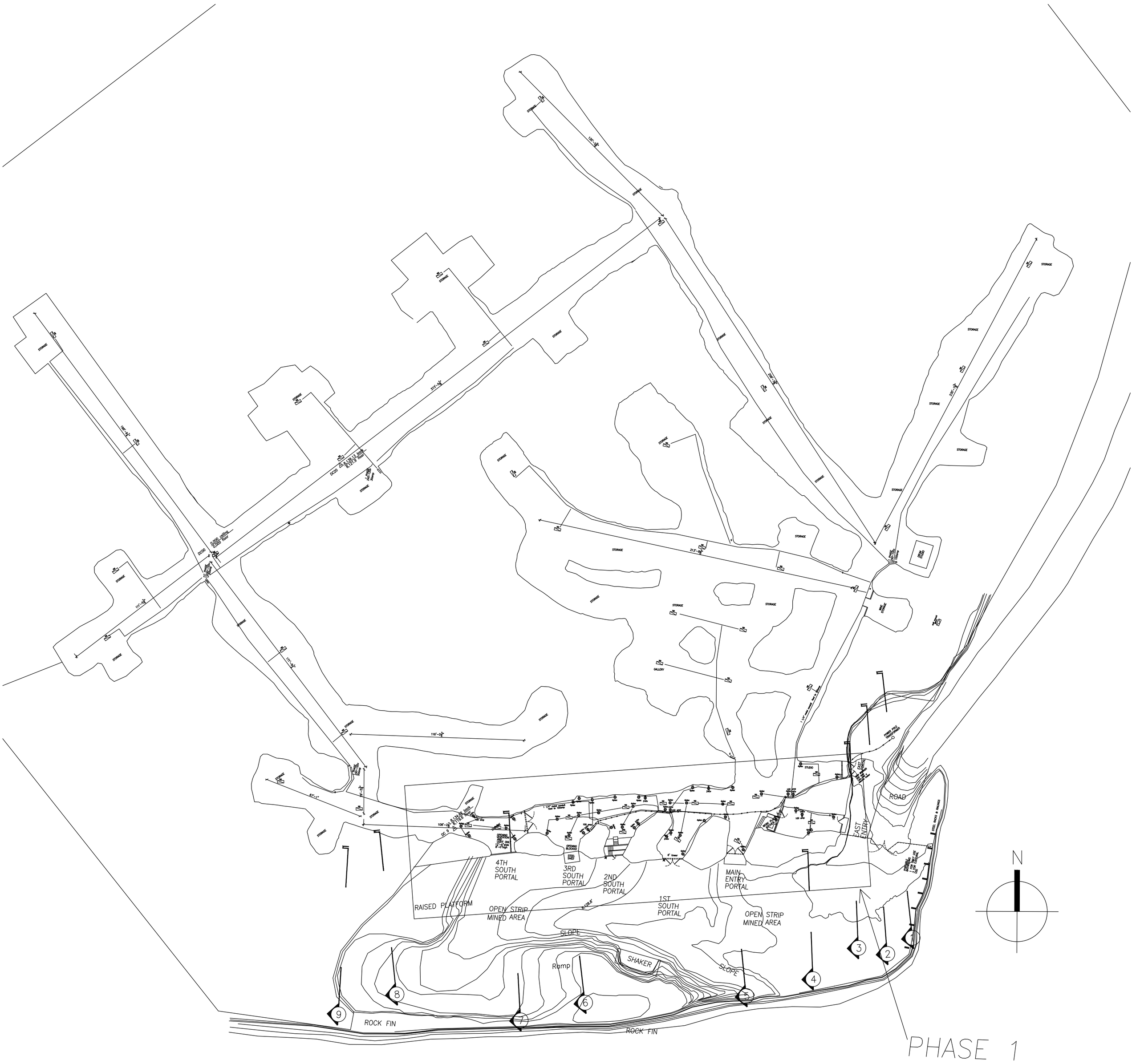
FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

EXHIBIT J – Signage & Egress



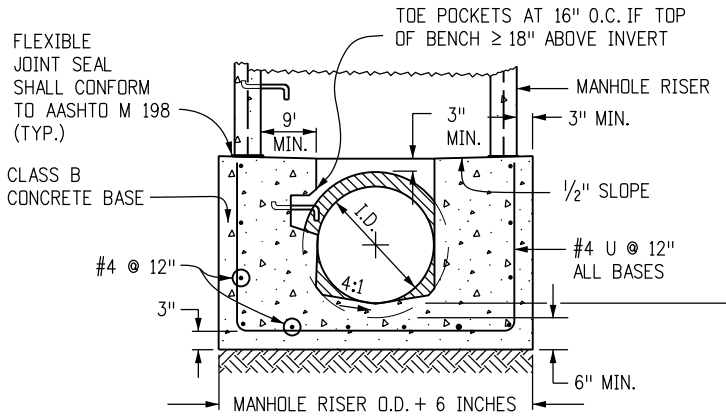
EGRESS & SIGNAGE

EXHIBIT K – Electrical & Lighting

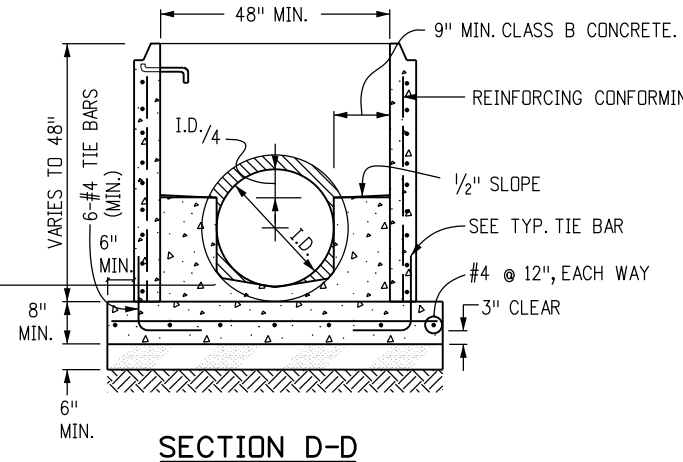


ELECTRICAL & LIGHTING
PROPOSED IN PROCESS

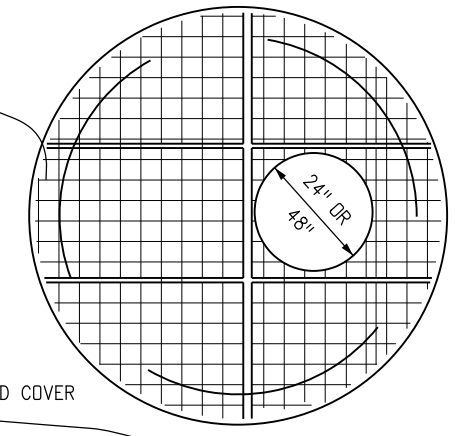
EXHIBIT L – Wellhead Vault (ref. Subdivision Exemption plan for bringing wellhead below grade for 2 Story at 53 Deep Creek Road)

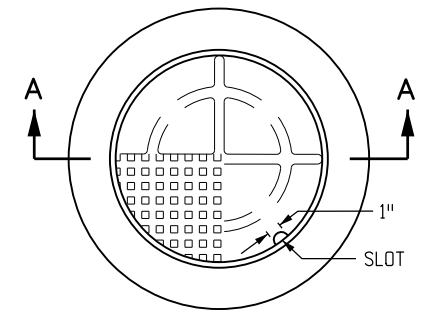


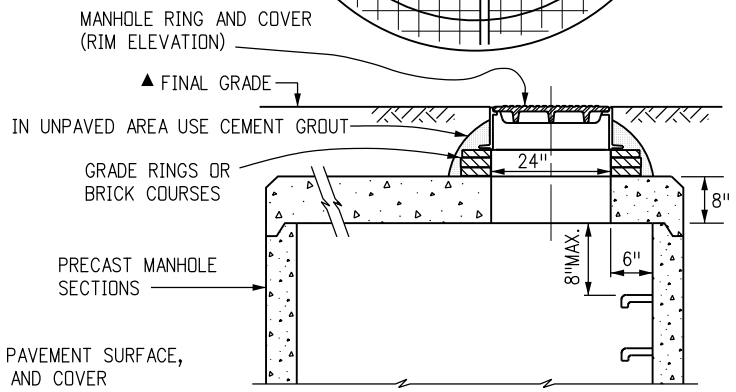
SECTION B-B



SECTION D-D

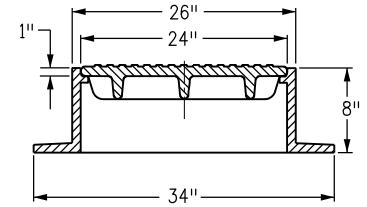






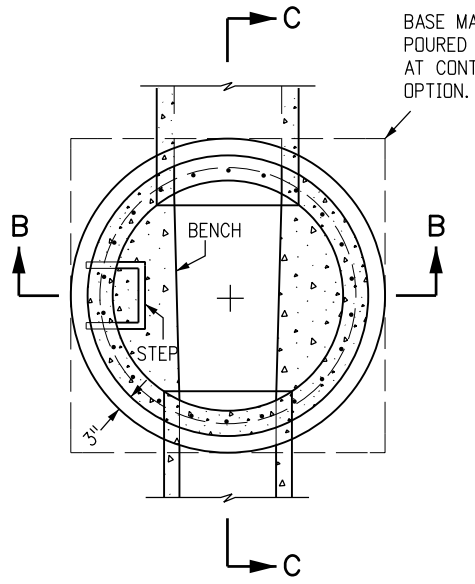
▲ WHEN FINAL GRADE IS PAVEMENT SURFACE, RECESS MANHOLE RING AND COVER ¼" MIN. TO ½" MAX.

FLAT TOP SECTION DETAIL

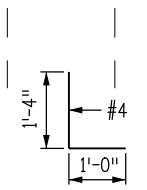


TOTAL WEIGHT: APPROXIMATELY 400 LBS. SHALL BE GRAY OR DUCTILE CAST IRON IN ACCORDANCE WITH SUBSECTION 712.06.

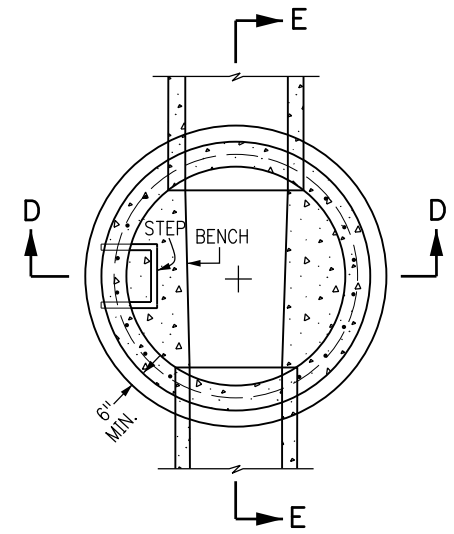
SECTION A-A
MANHOLE RING AND COVER



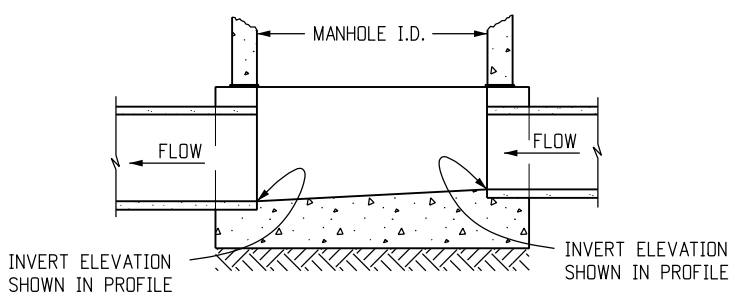
PLAN



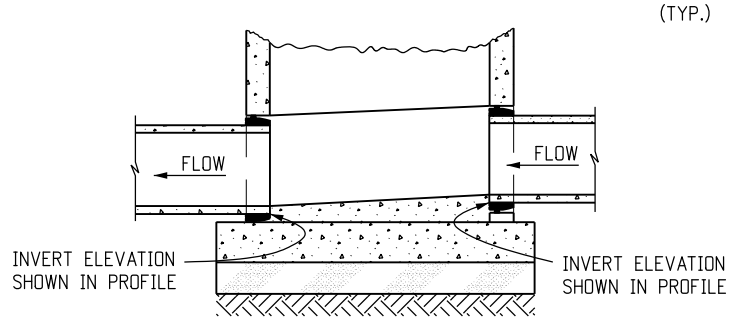
TYPICAL TIE BAR



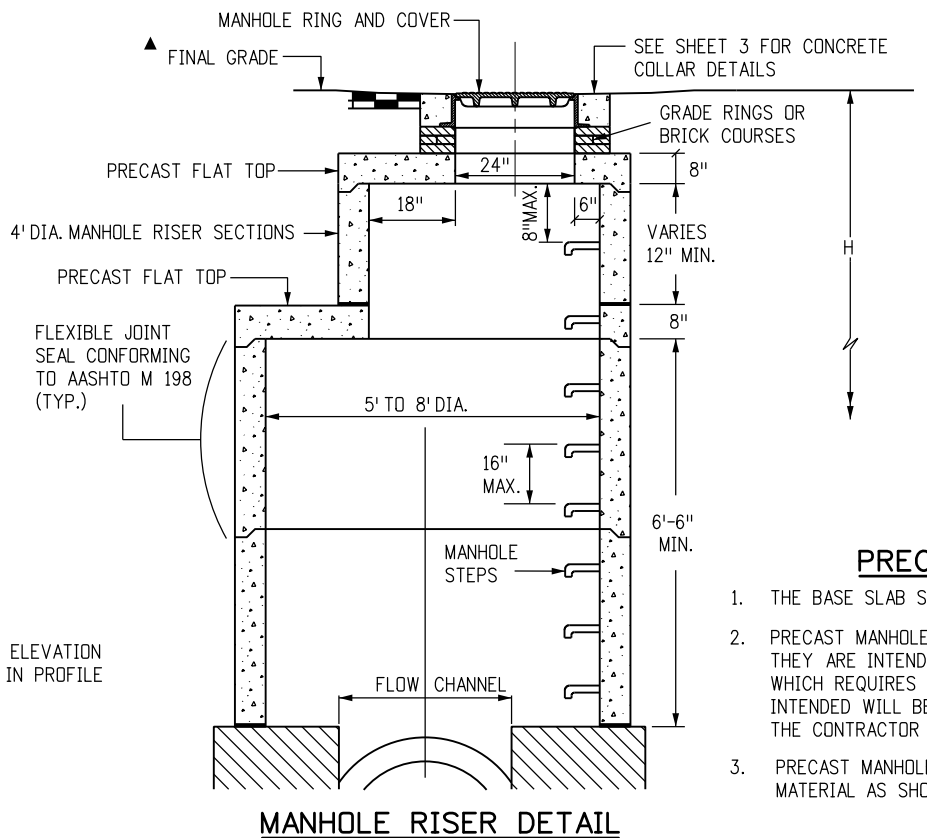
PLAN



SECTION C-C
CAST-IN-PLACE SLAB BASE



SECTION E-E
PRECAST SLAB BASE



MANHOLE RISER DETAIL

LEGEND

- SUITABLE SUBGRADE
- GRANULAR BEDDING MATERIAL
- CONCRETE

PRECAST MANHOLE BASES NOTES:

1. THE BASE SLAB SHALL BE POURED MONOLITHICALLY WITH BOTTOM RISER SECTION.
2. PRECAST MANHOLE BASES SHALL FIT THE CONDITIONS AND LOCATIONS FOR WHICH THEY ARE INTENDED WITHOUT ANY FIELD MODIFICATIONS. ANY MANHOLE BASE WHICH REQUIRES FIELD CUTTING OR MODIFICATION IN ORDER TO FIT THE LOCATIONS INTENDED WILL BE REJECTED BY THE ENGINEER AND REMOVED AND REPLACED BY THE CONTRACTOR AT NO COST TO THE DEPARTMENT.
3. PRECAST MANHOLE BASES SHALL BE BEDDED ON AN APPROVED GRANULAR BEDDING MATERIAL AS SHOWN ABOVE.

Computer File Information		Sheet Revisions	
Creation Date: 07/31/19		Date:	Comments
Designer Initials: JBK	(R-X)		
Last Modification Date: 07/31/19	(R-X)		
Detailer Initials: LTA	(R-X)		
CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English	(R-X)		

Colorado Department of Transportation
2829 West Howard Place
CDOT HQ, 3rd Floor
Denver, CO 80204
Phone: 303-757-9021 FAX: 303-757-9868
Project Development Branch JBK

MANHOLES

Issued by the Project Development Branch: July 31, 2019

STANDARD PLAN NO.
M-604-20
Standard Sheet No. 2 of 3
Project Sheet Number:

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9

Dan Collins, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of theSan Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

✓ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

✓ Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Dan Collins
Name

(Insert Applicant's name if executed by agent)

53 Deep Creek Road & LOT 4 DEEP CREEK PLACER SUBDIVISION
Physical location of Property and/or legal description

PO Box 3055, Telluride, Colorado 81435
Mailing Address (if different from above)

Date: June 21, 2022

[text/luc/certification.property.owner]

Signature: 

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

June 13, 2022

NOTICE TO PROPERTY OWNERS,

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

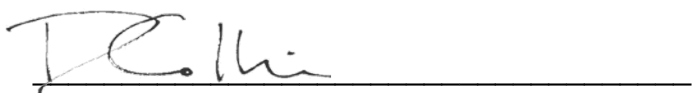
A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at https://www.sanmiguelcountyco.gov/490/Other-Resources

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

The meeting on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

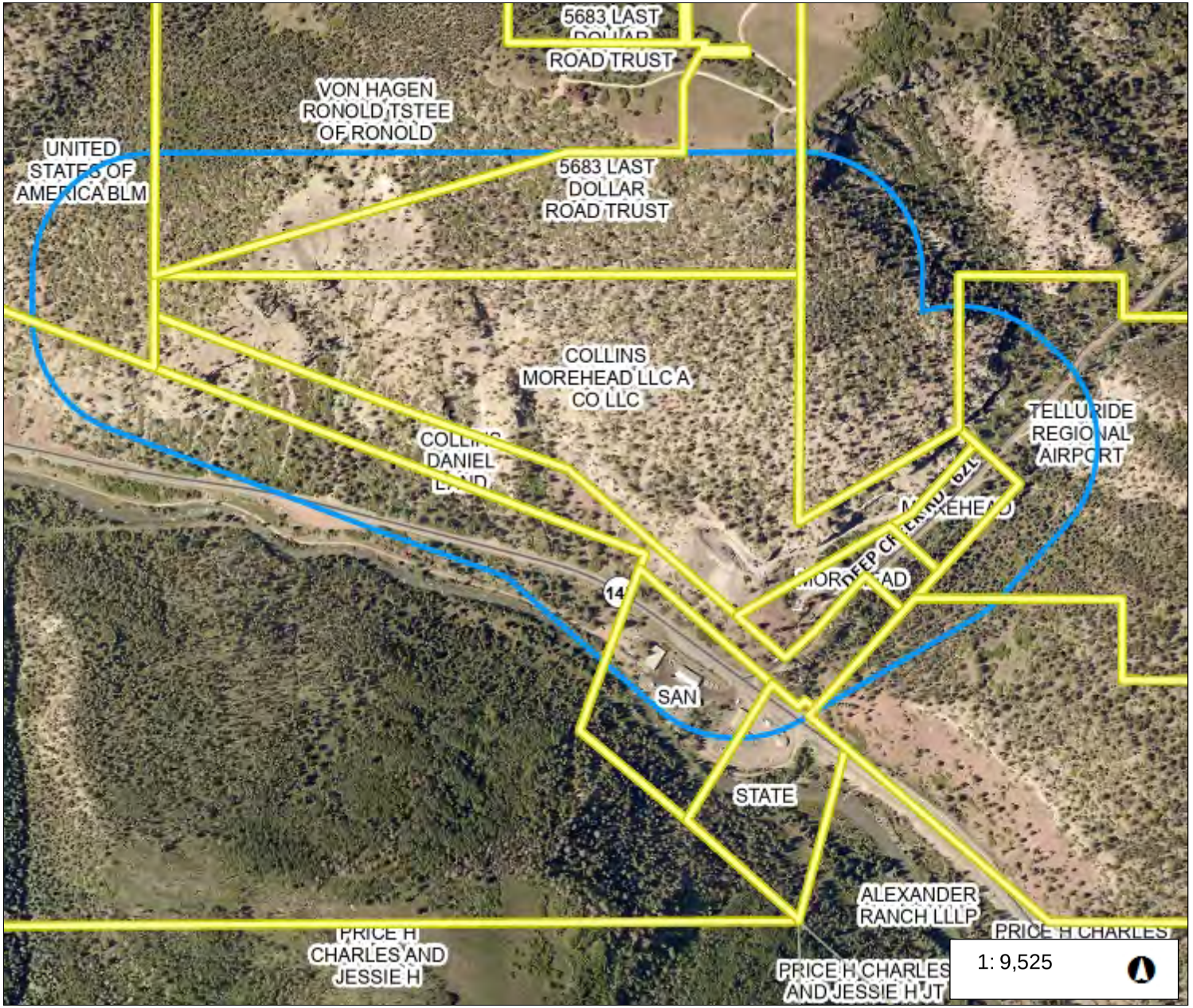
Respectfully,

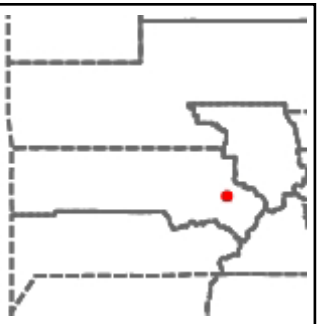


Dan Collins, Manager

NAME1	NAME2	ADDRESS2	CITY	STATE	ZIPCODE
5683 LAST DOLLAR ROAD TRUST		1801 CALIFORNIA ST STE 4400	DENVER	CO	802022662
BLM-Uncompahgre Field Office	Amy Carmicheal	2465 S Townsend Ave.	Montrose	CO	81401
COLLINS DANIEL L AND	COLLINS LAURIE LUNDQUIST	1417 S GRANDVIEW DR	TEMPE	AZ	85281
MOREHEAD FAMILY TRUST		2200 OAK PARK AVENUE	CHICO	CA	95928
SAN MIGUEL COUNTY		PO BOX 548	TELLURIDE	CO	814350548
STATE OF COLORADO	DEPT OF TRANSPORTATION	4201 E ARKANSAS AVE	DENVER	CO	80222
TELLURIDE REGIONAL AIRPORT	AUTHORITY	PO BOX 1807	TELLURIDE	CO	814351807
UNITED STATES OF AMERICA BLM	BUREAU OF LAND MANAGEMENT	POST OFFICE	WASHINGTON	DC	20500
USFS-Norwood Ranger District	Megan Eno	PO Box 388	Norwood	CO	81423
VON HAGEN RONOLD TSTEE OF RONOLD	VON HAGEN 07 REV TST DTD 06 15 07	PO BOX 4728	JACKSON	WY	830014728

San Miguel County, Colorado
Map Viewer





Legend

- San Miguel Road Label
- Road
- Tax Parcels cache
- Tax Parcel

Map Generated
6/9/22 3:20 PM

Notes

0.3 0 0.15 0.3 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

www.sanmiguelcountyco.gov

SAN MIGUEL COUNTY

PUBLIC HEARING NOTICE

APPLICANT'S NAME: DAN COLLINS for COLLINS-MOREHEAD LLC

APPLICANT'S CONTACT: Dan.collins@asu.edu

TYPE OF DEVELOPMENT APPLICATION:
SPECIAL USE PERMIT TO ALLOW LIGHT INDUSTRIAL, RESEARCH AND DEVELOPMENT FACILITIES FOR ARTISANS AND CRAFTSMEN; AND SPECIAL USE PERMIT TO ALLOW FOR VARIOUS CULTURAL EVENTS FOR THE PUBLIC AT THE FORMER MINE

DATE OF HEARING: THURSDAY, JULY 14, 2022

PLACE OF HEARING: ON-LINE; TO Join the Meeting https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277;
Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long-distance rates may apply

TIME OF HEARING: 10:00 A.M.

DECISION - MAKING BODY: SAN MIGUEL COUNTY PLANNING COMMISSION

FOR MORE INFORMATION – GO TO www.sanmiguelcountyco.gov/198/Planning

Please publish the following Legal Ad in the:

NORWOOD POST AND TELLURIDE DAILY PLANET on WEDNESDAY July 6, 2022

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

COUNTY PLANNING COMMISSION

MEETING AGENDA
July 14, 2022

Online Meeting

MEETING INFORMATION - This meeting will be held online. To join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply)

9:00 AM Site Visit: SUPs Artisans, Cultural Events at Lot 4, DCP former mine, CR 62L

1. **10:00 AM CALL TO ORDER**

2. **APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS**

3. **10:00 AM PUBLIC HEARING:**

   Applicant(s): Daniel Collins

   Property owner: Collins-Morehead, LLC

   Location: Deep Creek Road

   Parcel(s): Lot 4, Deep Creek Placer; former mine; PIN# 456326400025

   Zone District: (HC) Heavy Commercial

   Proposal: Request for Special Use Permit to allow a Light Industrial, research, and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events with up to 200 persons to occur at former mine. MOTION

5. **WORKSESSION:**

Staff Request: Discussion to amend Section 5-10, Special Uses, to add criteria related to cumulative impacts, and to clarify standards.

6. Adjourn

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

The official, designated posting place for all CPC notices, agendas is online at https://www.sanmiguelcountyco.gov/AgendaCenter. Use this link to view the agenda with any last-minute changes. To be automatically notified please sign up at www.sanmiguelcountyco.gov, signup for alerts, and follow the prompts.

Please publish the following Legal **PUBLIC MEETING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, JUNE 29, 2022

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at https://www.sanmiguelcountyco.gov/490/Other-Resources

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Norwood Classifieds

Help Wanted

TELLURIDE REGIONAL MEDICAL CENTER

The Telluride Regional Medical Center is seeking to hire a full-time Executive Assistant

This position reports directly to the CEO, performing advanced clerical and administrative support primary to the CEO and, secondarily, to the management team of TRMC.

Education/Experience: 2 years beyond high school (e.g., Associate degree). Bachelor's degree (B.A.) from a four-year college or university preferred. One to two years related experience and/or training in a healthcare setting is preferred. 5+ years administrative experience is preferred.

Position is full-time and non-exempt. The salary range for this position is $32-35 per hour. A competitive Salary and Benefits package is available.

Telluride Regional Medical Center is an Equal Opportunity and Affirmative Action Employer and healthcare provider, providing the highest quality, comprehensive Primary Care and exceptional Emergency & Trauma Services to all residents and visitors to our region. We celebrate diversity and are committed to creating an inclusive environment for all.

Position will remain open until filled. Candidates may apply for the position at https://jobs.tellmed.org

Alpine Lumber Co.

ALPINE LUMBER IS HIRING FOR OUTSIDE SALES!

$1,500 SIGNING BONUS! Pay $18-$25/hr DOE.

Looking for more than just a job? Check this out...

Employee Stock Ownership Program (ESOP) –

We are 100% employee owned. Employees receive up to 25% of their income in stocks per year. This is in addition to your compensation. You don't pay into this, it's given to you. This really goes up as our stock price then increases 10-20% annually. It is the greatest benefit that you will see any employer offer.

401K Match –
1/2 up to 4%

Insurance –
You AND your dependents will enjoy full health and dental coverage.

Paid time off –
2 weeks paid vacation the 1st year and this increases over time.

Advancement –
We promote from within and have a lot of room for career growth.

Overtime –
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Citizens State Bank is expanding and has immediate openings for a Customer Service Representative.

CSR's are the face of our company and must be brand ambassadors. Daily tasks include completing a variety of account transactions, opening new accounts, serving as a point of contact for any customer needs, selling new products and services to customers, etc.

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To apply and learn more: www.csbcolorado.com/careers or call our Telluride Branch at 970-729-8199

Citizens State Bank is an EOE/Affirmative Action employer, all qualified applicants will receive consideration for employment w/o regard to Age/ Minority/ Veterans/ Disabled/ Sexual Orientation/ Gender Identity/ Religion/National Origin.

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UMC
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UMC is hiring a Chief Finance Officer

The CFO is responsible for providing leadership and oversight of the overall financial planning and financial operations of UMC in support of UMC's mission.

Salaried 40 hours a week
Pay range -
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For questions or to apply please contact sfranklin@umclinic.org

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Call the *Norwood Post* TODAY!
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RECIPE

Chewy chilled noodles make the perfect summer salad

By CHRISTOPHER KIMBALL
Christopher Kimball's Milk Street



This image shows a recipe for Ramen Salad with Shrimp and Scallions. (Milk Street via AP)

As summer sets in, warm bowls of chewy, satisfying ramen and soba can take a refreshing turn to become the center of refreshingly chilled salads such as *hiyashi chuka*.

The Japanese dish typically is served as a cone of chilled ramen noodles covered with julienned strips of several ingredients, including cucumber, ham, omelet, ginger and carrot. Poached shrimp and chicken also are common additions.

We took loose inspiration from this salad for a chilled noodle recipe in our book "COOKish," which limits recipes to just six ingredients without sacrificing flavor. Paring down the ingredient list to essentials was key, and happily shrimp, scallions, noodles and a flavorful dressing didn't leave us needing more. That's partly thanks to using seasoned rice vinegar, which is flavored with sugar and salt, making it a three-in-one ingredient that punches above its weight.

When shopping, look for non-instant dried ramen, sometimes called chukamen or chuka soba; the noodles may be straight or curly. Additional options for topping the salad include shredded carrots, slivers of tomato and shredded lettuce.

RAMEN SALAD WITH SHRIMP AND SCALLIONS

Start to finish: 25 minutes
Servings: 4

- 1/3 cup low-sodium soy sauce
- 2 tablespoons seasoned rice vinegar
- 2 teaspoons toasted sesame oil, plus more to serve
- 1 pound cooked, peeled shrimp, cut into 1/2-inch pieces or 2 cups cooked shredded chicken
- 1 bunch scallions, thinly sliced or 1 small cucumber, halved lengthwise and thinly sliced or both

Cook the noodles in a large pot of boiling water until tender, then drain, rinse with cold water and drain again. In a large bowl, mix the soy, vinegar and sesame oil. Add the noodles and toss. Divide among 4 serving bowls, then top with shrimp and scallions. Drizzle each portion with additional sesame oil.

Optional garnish: Toasted sesame seeds or pickled ginger or both

Legal Notices

INVITATION TO BID

San Miguel County Board of Commissioners, care of Ryan Righetti, Director, San Miguel County Road & Bridge, 1120 Summit Street, Norwood, CO 81423 (mailing: PO Box 426, Norwood, CO 81423) is accepting bids based on presumed quantities until 4:00 P.M, on Thursday, July 14, 2022 for the **San Miguel County Road K69 (CDOT Project #22877)** paving of approximately .5 mile,. All Bids that have been received in person, mail, or by email at roadandbridgesealedbid@sanmiguelcountyco.gov will be publicly opened and read aloud at 4:30 PM, on July 14th, 2022, in the Conference Room at 1120 Summit Street, Norwood, Colorado.
San Miguel County Road K69 is located at the East End of the Town of Telluride.

Contact Ryan Righetti at 970-327-4835 to schedule an onsite meeting and for any questions if needed.

Copies of the Contract Documents, complete with Construction Specifications and Drawings, may be obtained from the San Miguel County Road and Bridge Office at 1120 Summit Street, Norwood, CO 81423 or by phone (970-327-4835) or email (roadbridge@sanmiguelcountyco.gov). No partial sets will be issued.

Bids will be received as set forth in the Bid Form – Section 3.

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at https://www.sanmiguelcountyco.gov/490/Other-Resources

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov



Planet Classifieds

Call 970-728-9788 or visit www.telluridedailyplanet.com

Help Wanted

COSMOpolitan

The Cosmopolitan is hiring:

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****

All positions after 6 months get a complimentary subscription to Telluride Whole Health.

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For Dining Room Positions:
Call Mariana at (970)234-3450 or email:
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For Kitchen Positions:
Call Ricki at (970)708-1866 or email:
rickicosmotelluride@gmail.com

Mountain Sprouts Preschool is hiring a wonder-seeking SUMMER ASSISTANT TEACHER. Mon- Thu (Pay D.O.E) Send resumes to admin@sproutstelluride.com

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The **San Miguel Resource Center** offers support for survivors of domestic violence and sexual assault.

We are hiring an Advocate Coordinator and Executive Director to join our nonprofit.

Please visit **www.smrcco.org** for job descriptions and application instructions.

Kitchen prep, line, dishwasher needed. Part or full. Flexible hours. Ania's Table Mt. Village. Email koda1775@hotmail.com

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Help Wanted

MADELINE HOTEL & RESIDENCES
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TELLURIDE

MANAGEMENT POSITIONS

Events Manager

Director of Spa

****

ENTRY LEVEL POSITIONS

Bell Attendant $16.00 + Tips

Busser $10.00 + Tips

Host $15.00

In-Room Dining Server $10.00 + Tips

Guest Service Agent $19.50 + Upsale Program

Concierge $20.00 + Commissions

PBX $18.00

Spa Concierge $18.00 + Commissions

Nail Tech $15.00 + Tips and Commissions

Hair Stylists $15.00 + Tips and Commissions

Lead Therapist $13.00 + Tips and Commission

Massage Therapist $10.00 + Tips and Commissions

Housekeeping Coordinator $18.00

Maintenance Tech. $18-$24

Starbucks Barista $14.00 + Tips

****

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telluridesnowshoetours.com
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Rentals

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Short Term
Parking
Rentals Wanted
Roommates Wanted
Storage
Vacation Rentals

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turnkeytelluride@gmail.com

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Charming Guest House
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720 635 5600

Ski Ranches Long-Term

Guesthouse, 1 BR + large loft, large deck, heated garage, W/D, fireplace, all utilities plus Direct TV and Wifi included. $2500. (970) 708-2393.

Caretakers

Seeking live-in caretaker for ranch in Norwood.

Responsibilities: Taking care of chickens, gardens and other basic maintenance jobs on property. Ideal candidate is reliable, has good communication physically fit and has references.

Fully furnished room on property in exchange for caretaking responsibilities.

10 min. drive to Norwood

Email mvfc2019@yahoo.com

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Telluride -
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Call *Telluride Local Media*
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Dial 728-9788
to find out more!

Legals

Telluride
Liquor Licensing Authority

PUBLIC NOTICE is hereby given that pursuant to the Liquor Laws of the State of Colorado, Lumpy Judge, Inc dba Uno Dos Tres (Kenneth Rosen, Owner, 447 W. Galena Ave, Telluride, CO 81435) is requesting that the Telluride Town Council, acting as the Liquor Licensing Authority, grant a Hotel and Restaurant License for use at 123 S. Oak Street. Telluride, Colorado, 81435. The hearing on the above application will be heard on July 12, 2022 via an in-person/virtual hybrid meeting to begin at 10:00 am. Meeting ID: 852 7858 0131 Passcode: 929165 The application was filed on May 16, 2022. Remonstrances may be filed at Town Hall, 135 W Columbia, emailed to clerks@telluride-co.gov or mailed to the Town of Telluride, Town Clerk, PO Box 397, Telluride, CO 81435.

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

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Only You Can Prevent Roadkill! Slow Down! Pay Attention!

Flash headlights 3 times to warn oncoming drivers of wildlife on or near roadways.

Colorado State Patrol wants to remind you to lower headlights within 500 ft. of oncoming vehicles.

John Huebner <johnh@sanmiguelcountyco.gov>

SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

John Huebner <johnh@sanmiguelcountyco.gov> Fri, Jun 10, 2022 at 3:17 PM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Chris Smith <chriss@sanmiguelcountyco.gov>, Lucas West - DNR <lucas.west@state.co.us>, Gregory Powers - DNR <gregory.powers@state.co.us>, Kelly Crane <kelly.crane@state.co.us>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Scott Heidergott <sheidergott@telluridefire.com>, megan.eno@usda.gov, scopping@blm.gov

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

Deep Creek Mine SUP Application_Part2.pdf

Deep Creek Mine SUP Application_Part3.pdf

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

REFERRAL Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs.pdf
17841K

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

M E M O R A N D U M

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Starr Jamison, County Government Affairs and Natural Resources
Bill Masters, County Sheriff
Matt Gonzales, County Building Official
Lisa Garrett, County Site Inspector,
Chris Smith, County Environmental Health Department
Lucas West, Colorado Division of Reclamation and Mine Safety
Greg Powers, Colorado Division of Water Resources
Kelly Crane, Colorado Parks and Wildlife
Randee Reider, Colorado Department of Transportation
Scott Heidergott, Telluride Fire Protection District
Amy Carmicheal, Bureau of Land Management
Megan Eno, US Forest Service

FROM: John Huebner, Senior Planner

RE: Special Use Permit – light industrial uses, public cultural events at former Deep Creek Mine

APPLICANTS: Dan Collins, Manager

DATE: June 9, 2022

The above-referenced application is attached for your review and comment. The Planning Commission meeting date is Thursday, July 14, 2022. Please provide your review comments by July 1, 2022 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

RE: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Mike Bordogna <mikeb@sanmiguelcountyco.gov> Mon, Jun 20, 2022 at 2:44 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

Thanks John, this is what I was looking for. My concern continues to be any stored flammable materials-gas or tanks for welding, etc., where the public may go within the complex and making sure that there is not a public event with fire inside the facility. Thanks, Mike

From: John Huebner [mailto:johnh@sanmiguelcountyco.gov]
Sent: Monday, June 20, 2022 1:14 PM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>
Subject: Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

Mike,

I attached the materials you were looking for. I hope this helps!!

John Huebner

Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov

On Mon, Jun 20, 2022 at 12:27 PM Mike Bordogna <mikeb@sanmiguelcountyco.gov> wrote:

> Maybe I'm looking at the wrong attachment John, But I'm only seeing the drawings and not a written plan for the signage and egress- does that exist somewhere? Thanks, Mike
>
> **From:** John Huebner [mailto:johnh@sanmiguelcountyco.gov]
> **Sent:** Monday, June 20, 2022 9:04 AM
> **To:** Mike Bordogna <mikeb@sanmiguelcountyco.gov>
> **Subject:** Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs
>
> Hi Mike,
>
> The special events information is concentrated on pp. 5-9.

John Huebner

Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov

On Fri, Jun 17, 2022 at 3:31 PM Mike Bordogna <mikeb@sanmiguelcountyco.gov> wrote:

> John, this request doesn't seem to include the hosting of public events and parties, or did I miss that? That is my greatest concern when there could be dozens of people without detailed knowledge of the facility in an enclosed space with flammable materials, creating a public safety hazard. Thanks, Mike
>
> **From:** John Huebner [mailto:johnh@sanmiguelcountyco.gov]
> **Sent:** Friday, June 10, 2022 3:18 PM
> **To:** Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Starr Jamison <starrj@sanmiguelcountyco.gov>; Bill Masters <billm@sanmiguelsheriff.org>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Lisa Garrett <lisag@sanmiguelcountyco.gov>; Chris Smith <chriss@sanmiguelcountyco.gov>; Lucas West - DNR <lucas.west@state.co.us>; Gregory Powers - DNR <gregory.powers@state.co.us>; Kelly Crane <kelly.crane@state.co.us>; Reider - CDOT, Randee <randee.reider@state.co.us>; Scott Heidergott <sheidergott@telluridefire.com>; megan.eno@usda.gov; scopping@blm.gov
> **Subject:** SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs
>
> All,
>
> Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,
>
> **Deep Creek Mine SUP Application_Part2.pdf**
>
> **Deep Creek Mine SUP Application_Part3.pdf**
>
> John Huebner
>
> Senior Planner
>
> San Miguel County Planning Department
>
> Office: (970)728-3083
>
> www.sanmiguelcountyco.gov



John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Scott Heidergott <sheidergott@telluridefire.com> Tue, Jun 21, 2022 at 9:41 AM
To: John Huebner <johnh@sanmiguelcountyco.gov>

John,

Comments from TFPD:

1) A fire lane shall be maintained from CR 62L to the mine parking area.
2) A fire apparatus turnaround to meet 2018 IFC Figure D103.1 shall be maintained and clear at all times.
3) A monitored alarm notification system per NFPA 72 shall be installed in occupied areas.
4) Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshall. (See Exhibit G). I was unable to find information on Exhibit G and there is no SMC Fire Marshal, I assume it meant TFPD Fire Marshal.
5) No fire events to be conducted inside the mine.
6) Egress signage throughout to be inspected on completion.

Kind regards,

On Fri, Jun 10, 2022 at 3:18 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> All,
>
> Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,
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> **Deep Creek Mine SUP Application_Part2.pdf**
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> **Deep Creek Mine SUP Application_Part3.pdf**
>
> John Huebner
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov

--

Scott Heidergott
Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | http://telluridefire.com/
PO Box 1645
131 West Columbia Avenue
Telluride, CO 81435

Station: 970-728-3801
Fax: 970-728-3292

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, email or fax and return the original message to us at the above address via the US Postal Service. We will reimburse any costs you incur in notifying us and returning the correspondence. Thank you.

John Huebner <johnh@sanmiguelcountyco.gov>

Fire Marshall's requirements for Deep Creek Mine

1 message

Daniel Collins <dan.collins@asu.edu> Wed, Jun 29, 2022 at 3:32 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>, "sheidergott@telluridefire.com" <sheidergott@telluridefire.com>
Cc: Anton Viditz-Ward <antonviditzward@gmail.com>, Laurie Lundquist <willcoart@gmail.com>

June 29, 2022

Dear Scott: I am trying to find specific information based on your comments on our SUP application for the Deep Creek Mine. I need help with three items:

1) You cite the 2018 IFC regulations for emergency vehicle turnarounds. You specifically reference “Figure D103.” I assume this is some kind of minimum radius. I would appreciate either the diameter of the turnaround required or a copy of the page of the regulations. I cannot access the regulations online (locked out…requires subscription).

2) You want a “monitored alarm notification system per NFPA 72 installed in occupied areas.” I accessed the free version of the NFPA 72 regulations, but I can’t seem to find any references to a “monitored alarm notification system.” Would you be able to direct me to a product that would pass muster?

3) As far as “water for fire suppression”—what would be the requisite amounts to have stored on site and what delivery system would be acceptable? As you know, all water on site is hauled in. We currently have 2, 250 gallon totes with hand pumps located at each end of the outdoor area. Does this meet your requirements? (Most potential fires inside the mine would require A,B,C type extinguishers…which we have in each studio in the mine).

Thanks for your time and help.

Dan

Dan Collins, Owner/Operator

Deep Creek Mine

26 Deep Creek Road

PO Box 3055

Telluride, CO 81435

970-728-5266

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Powers - DNR, Gregory <gregory.powers@state.co.us> Mon, Jun 27, 2022 at 8:53 AM
To: Bill Masters <billm@sanmiguelsheriff.org>
Cc: John Huebner <johnh@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Chris Smith <chriss@sanmiguelcountyco.gov>, Kelly Crane <kelly.crane@state.co.us>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Lucas West - DNR <lucas.west@state.co.us>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Scott Heidergott <sheidergott@telluridefire.com>, Starr Jamison <starrj@sanmiguelcountyco.gov>, megan.eno@usda.gov, scopping@blm.gov

Hello John.

It appears that one of the wells associated with these parcels, Permit number 16536-F, is a commercial well. So long as the water for these events is provided by this well, it would conform to the permitted uses and the Division of Water Resources would have no objections in this matter.

Regards,

On Fri, Jun 24, 2022 at 5:55 PM Bill Masters <billm@sanmiguelsheriff.org> wrote:

> Sorry I don't get it from the application documents. In a paragraph what are they planning to do?
>
> Specifically
> 1. Are people going to be living and or camping on the site?
> 2. How many people at one time might attend events there?
> 3. Is there any retail spaces , restaurants or alcohol distribution planned ?
>
> On Fri, Jun 10, 2022 at 3:18 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:
>
> > All,
> >
> > Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,
> >
> > **Deep Creek Mine SUP Application_Part2.pdf**
> >
> > **Deep Creek Mine SUP Application_Part3.pdf**
> >
> > John Huebner
> > Senior Planner
> > San Miguel County Planning Department
> > Office: (970)728-3083
> > www.sanmiguelcountyco.gov

--

Respectfully,
Sheriff Bill Masters

billm@sanmiguelsheriff.org
Direct 970.728.7948 | Cell 970.729-2025 | 24hr Dispatch 970.728.1911
Physical and Mailing Address 684 CR 63L | Telluride, CO 81435

Under the Colorado Open Records Act (CORA) all messages sent by or to me on this county-owned email account may be subject to public disclosure.

--
Greg Powers
Well Commissioner
Division 4

970-249-6622 x4109
1541 Oxbow Drive, Suite 1625, Montrose, CO 81401
Gregory.Powers@state.co.us | https://dwr.colorado.gov/

SAN MIGUEL COUNTY BUILDING DEPARTMENT
MATT GONZALES
BUILDING OFFICIAL

MEMORANDUM

TO: San Miguel County Planning Commission
CC: John Huebner, Senior Planner, San Miguel County
FROM: Matt Gonzales, San Miguel County Building Official
DATE: 28 June 2022

RE: Comments for the Special Use Permit Application for the Deep Creek Mine

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After reviewing the application for a Special Use Permit (SUP) submitted by Dan Collins as Managing Partner of Collins-Morehead LLC, I have the following comments:

- As the historical use of the Deep Creek Mine (DCM) is changing, a building permit will be required, building code inspections will be required, and a Certificate of Occupancy (CO) will be required, verifying code compliance for the new occupancy classification;
- Based on the 2018 International Building Code (IBC) it appears that DCM's new occupancy classification will be mixed-occupancy F-1 (Factory and Industrial), S-1 (Storage), and A-3 (Assembly);
- The DCM should not be occupied as such until after a CO has been obtained;
- Prior to issuance of a CO, the County Engineer should provide verification that the DCM is suitable for occupancy;
- Because there appear to be many building code compliance requirements in question, I recommend that the Planning Commission continue the SUP hearing to allow the Applicant time to prepare building plans that address all potential building code issues, including, but not limited to:
    - Requirement for fire suppression based on occupancy classification and square footage in coordination with Telluride Fire Protection District;
    - Accessibility;
    - Maximum travel distance as it pertains to egress;
    - Egress lighting;
    - Egress signage;
    - Ventilation rates according to occupancy classification and occupant load;
    - Bathroom facilities dependent on occupant load.

P.O. BOX 1170 • Telluride, Colorado 81435 • (970) 728-3879 • FAX (970) 728-3718
www.sanmiguelcountyco.gov

COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

John Huebner
Senior Planner
San Miguel County Planning Department
PO Box 548
Telluride, CO 81435
June 27, 2022

Dear Mr. Huebner,

Colorado Parks and Wildlife (CPW) has received your request to review and provide comments on the Special Use Permit application for light industrial uses and public cultural events at the former Deep Creek Mine. I have reviewed the application material provided to us and have determined that the events requested on the Special Use Permit will most likely have minimal impacts on local wildlife species.

The former Deep Creek Mine lies within the following CPW mapped wildlife species activity ranges: black bear overall range, elk summer, winter and severe winter range, mountain lion overall range and mule deer summer and winter range.

Our two main concerns for the increased use on this property are fences and bear attractants. We recommend that fences on this property be kept to a minimum and follow CPW's *Fencing with Wildlife* in Mind guidelines. Fences can impede movement of wildlife, especially during the critical winter months. While this area around the former Deep Creek Mine is not mapped within a black bear/human conflict area we recommend that bear proof trash cans and dumpsters be used at all times on the property. Unsecured trash is the main attractant for bears. Events on this property with up to 200 people will generate a lot of trash and can potentially attract bears to the area creating conflicts.

Thank you for providing us the opportunity to comment. If you have any questions you can contact me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6010.

Sincerely,

Kelly Crane
District Wildlife Manager - Ridgway

Dan Prenzlow, Director, Colorado Parks and Wildlife • Parks and Wildlife Commission: Carrie Besnette Hauser, Chair • Charles Garcia, Vice-Chair
Luke B Schafer, Secretary • Taishya Adams • Karen Bailey • Betsy Blecha • Marie Haskett • Dallas May • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

John Huebner <johnh@sanmiguelcountyco.gov>

PERMIT RESPONSE TIME DELAYED Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Reider - CDOT, Randee <randee.reider@state.co.us> Fri, Jun 10, 2022 at 3:22 PM
To: johnh@sanmiguelcountyco.gov

Please note, the CDOT Permits Department is currently extremely short staffed. Email responses will be delayed and a permit status update may take up to 45 days. Thank you in advance for your patience.
For general questions related to Utility/Special Use Permits & Access Permits, please contact the front desk at (970) 385-1453 and your inquiry will be routed appropriately.

--
Thank you,

Randee Reider
Access Manager
Region 5 - Traffic & Safety

COLORADO
Department of Transportation
Region 5

P 970.385.3626 | F 970.385.8361
3803 N. Main Ave., Suite 100, Durango, CO 81301
randee.reider@state.co.us | www.codot.gov | www.cotrip.org

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org> Wed, Jun 29, 2022 at 11:18 AM
To: John Huebner <johnh@sanmiguelcountyco.gov>

No comments or suggestions from our office.

On Fri, Jun 24, 2022 at 4:18 PM Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org> wrote:

I have solicited comment. I will let you know Tuesday.

On Fri, Jun 24, 2022 at 3:30 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

Hi Jennifer,
It would be a big assist if you could submit any formal Sheriff Office comments concerning this application by Tuesday the 28th.
Hope you have a great weekend!!

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

On Fri, Jun 10, 2022 at 3:17 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

Deep Creek Mine SUP Application_Part2.pdf

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John Huebner
Senior Planner
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--
Jennifer Dinsmore
San Miguel Sheriff's Office
jenniferd@sanmiguelsheriff.org
970-596-3100