

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

November 9, 2023

Online Meeting

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

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner
Nicola Kerr, Planning Technician

County Staff Present: Amy Markwell, County Attorney

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

APPROVAL OF MINUTES

MOTION by Ian Bald to approve the October 12, 2023 minutes. **SECONDED** by M.J. Schillaci. **PASSED 6-0.**

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the Commission; John Huebner, Senior Planner, passed the AICP examination and is certified by the American Planning Association.

December 14 is the next Planning Commission meeting. It will include an application for an amendment to the Telluride Airport master plan.

The Board of County Commissioners will meet to discuss the possibility of extending the solar moratorium. Planning has divided the solar and natural resources Land Use Code updates into two parts. A joint Planning Commission and BOCC worksession is proposed for January 24.

The Planning Commission has listened to the public's feedback regarding the community housing zone district and will have a joint work session with the Board of County Commissioners regarding the Community Housing zone on January 24.

The BOCC met with the West Region Wildfire Council. At some point, there will be statewide wildfire code which will affect the Land Use Code and the Building Codes.

EAST END MASTER PLAN WORK SESSION

Tobin Brown asked if there will be another work session for the Master Plan before the community housing zone district meeting?

Kaye Simonson responded that there will be a Planning Commission meeting December 14 and then the joint work session January 24th. The January CPC meeting is also prior to the work session.

Lee Taylor affirmed that the plan is for the Commission's subcommittee pairings to meet and prepare and be ready to share at the December 14 meeting.

Josselin Lifton-Zoline commented that as beautiful as the 90% East End Master Plan report is, we could pare it down, and remove some items regarding public engagement.

Lee asked the Commission what the document is missing.

Galena Gleason responded that a direct assessment of current infrastructure is missing- namely traffic and transportation, Wastewater Treatment Plant (WWTP), what is current carrying capacity and how could the East End expand for the future.

Lee Taylor summarized that we need more of a road map to guide us.

Lee pointed out that the plan is similar to other plans for other counties in Colorado.

Josselin Lifton-Zoline stated that there is a piece missing regarding nonprofits and the environment. There is a conflation happening because the public is concerned about historically ranched areas, which are conflated with wild areas which is very different from protecting natural wild areas.

Lee Taylor commented that we can't have an economic development section that doesn't incorporate the arts.

Josselin Lifton- Zoline said that we should send the Master Plan to the Sheep Mountain Alliance, San Miguel Watershed Coalition, and other groups.

Tobin Brown said that we should be looking for ways to protect the East End from over development and traffic encroachment.

Lee Taylor stated that San Miguel County and the region has a 700 unit affordable housing unit deficit. He asked Tobin, are you saying that we should only build 500 units?

Kaye Simonson responded that we would need to have the community's partners at the table for that including the towns and Colorado Department of Transportation (CDOT).

Galena Gleason commented that she finds the 90% master plan document to be slightly utopian and said we need to stop and take a hard look at the numbers and make sure we can support where the East end is right now.

Josselin Lifton- Zoline stated that we don't hear anyone talking about stopping growth of the 12,000 square foot mansions in regards to our water resources. People are already suffering and we need to think of the bigger picture that more than just the fact that one's view corridor is going to change

Lee Taylor asked how do we preserve what we value here without shutting the door in everyone's face.

Galena Gleason mentioned that the CDOT station that serves the Telluride area is not able to continue functioning because they cannot house their employees.

Tobin Brown stated that the housing needs assessment doesn't really need to be updated because we can only assume that it has gotten worse.

Kaye Simonson affirmed that the 2018 housing needs assessment is our base, and it does not seem like things have improved.

Lee Taylor stated, do we believe we can craft a master plan that speaks of limits, or choices?

Mathew Bayma said that he certainly wouldn't want to put a cap number in the plan.

Amy Levek, Advisory Group member, chimed in that we should not even discuss a cap on growth as HB 23-1225 is prohibiting a cap on growth by not allowing caps on building and development permits, which helps not push growth out into other communities.

Ian Bald stated that he is starting to develop a lens regarding development applications looking at how things are going to affect growth, including the hospital. People think that we are the ones creating the problem which is backwards. We are reacting to the problem. We need to address traffic.

Tobin Brown commented that we value locals being able to live locally.

10:30 a.m. Recessed

10:37 a.m. Reconvened.

Kaye Simonson shared that the President of the Trout Lake HOA had called and asked what the Community Housing (CH) zone district means for them; she replied it is not much because the subdivision is on a land lease and they have covenants in place.

Tobin Brown asked, don't all these communities and PUDS have covenants in place.

Lee Taylor interjected that any rezoning to CH has to come at the request of the owner. He stated that we could remove from Residential Low the CH zone district classification. There will be some good time to review the CH in depth at the joint session, but regarding the masterplan we could limit the density of the CH to only 10 units per acre in the Residential Medium land use classification.

Josselin Lifton-Zoline responded that when we originally approved the CH zone district we wanted it to be applicable to big and small projects. We don't want to limit low density areas with potential for infill to be able to fill in the gaps with some affordable housing.

Tobin Brown agreed with Josselin that we don't want to limit property owners from these possibilities; however, he does not like the idea of having 20 units by right in the CH zone. Maybe there shouldn't be any number of units by right and that it should be determined per application.

Lee Taylor responded that the public sentiment we have received has been based on the perception of a 20 units use by right per acre, but any rezoning application will have to go through a multi-step hearing process.

Tobin Brown responded that in some cases it could make sense to have more than 20 units per acre.

Kaye Simonson gave a run down of the density of some already developed areas.

Galena Gleason agreed with Toby saying that we shouldn't have a specific number set because it raises concerns.

Amy Markwell stated that the County is organized as a statutory county. San Miguel is required by the state to create as many affordable housing units as possible and pass laws that encourage their creation.

Lee Taylor asked if that means we can not legally reduce the scope and range of the CH zone.

Amy Levek replied that she is not suggesting that changes not be made, however the CH zone has not been overly used thus far, we have had only two applications received.

Tobin Brown asserted that we should look at everything on a case by case basis, maybe minimum open space being 30% is too specific as well.

Galena Gleason said that we may open ourselves up to regret by not allowing CH in a particular zone.

Lee Taylor asked if it is almost impossible and politically toxic.

Tobin Brown said that the political toxicity is coming from the language of 20 units per acre by right in perceivably any neighborhood.

Josselin stated that there is a fundamental tension that we cannot alleviate. In general all the momentum is on the side of keeping things the way they are, we need to keep CH broad because most people are against it, it is hard to find takers. She will fight to keep it broad because we have to allow room for the projects or nothing is going to happen.

Mathew Bayma agrees we should keep it broad and believes that the language overall should be clearer.

Ian Bald stated that people need to change their frame of reference and look at this positively.

M.J. Schillaci commented that so many creative items are happening right now with housing. She has read a lot and saw an article where a widow decided that she didn't need to live alone in her three bedroom house. So her city lent her enough money to build a tiny house in her yard, and she sold her house to her kids so they could move in with their family. The CH zone gives us flexibility - the public sees CH as a 20 unit per acre minimum and we need to explain it better.

Josselin Lifton Zoline said that she worries that it is not just our inability to communicate but that some willful ignorance has stoked an outrage machine and she asked that everyone put the brakes on that so that we can work together thoughtfully.

11:30 a.m. Chair opened to public comment.

Dirk DePagter, owner and developer of Lot L - Lawson Hill, stated that he has been stifled in the building process in Lawson Hill where he has been involved in the building of 29 affordable housing units, and that he has been trying to break ground on the project for 3 years. He stated the Lawson Hill DRB has moved the requirements for the project. He is worried since interest rates are high as well as insurance rates and that it is virtually impossible for first time home buyers to buy a house now without considerable savings.

Pam Bennett, Aldasoro Sheep Ranch owner and Advisory Group member, commented that the East End Master Plan has expanded the previous Telluride regional area master plan boundary, which contains 19 additional subdivisions. These subdivisions have already been planned for. She would like to see, instead of the future land use map a current land use map. The land use map has not been updated since 2006. There is an angst in all the existing subdivisions and PUDs that they aren't safe from the CH zone. She stated that she had heard Josselin Lifton-Zoline state that the Commission should review existing conservation easements to potentially build on and not put up a growth boundary starting at Keystone Hill. She stated that she disagrees with that.

Josselin Lifton-Zoline responded that she never said that we should relook at conservation easements for building upon.

Lee Taylor asked what was the number of new subdivisions added.

Pam Bennett responded 19.

Doug Tooley, Mountain Village resident, commented that he thinks there is a simple solution to CH zone district. He believes duplex sized developments could be more appropriate than big apartment buildings.

Amy Levek commented that she wants to encourage some things, this discussion has been very positive. The pandemic upended all of our plans. Traditional planning models gentrification, which has happened very quickly. When we complete an affordable housing needs assessment for this area we are going to find that we are very far behind. She discourages us from slowing down our process. There are three entities (Towns of Telluride and Mountain Village and the County) that need to work together rather than responding to each other's moves.

Kit Jackson stated that he objects to the CH zone district that allows 20 units by right and such language needs to be removed from the Master Plan.

Dan Enright, Telluride Town (TOT) Council member, commented that he 100% wants to see more collaboration between the TOT and County, he is hoping to have a presentation by the county at the end of this month with the TOT Planning Commission. He stated that the Regional Housing Authority is issuing an RFP for a new affordable housing assessment. The most recent assessment shows things are bad and they have only gotten worse. TOT has affordable housing shortages and vacancies in their Marshals, clerk, and planning offices. The fact that the CDOT Telluride shop is closed down is very troublesome. We are going to have a very real impact on day to day operations that are all tied directly to housing. We do not need to close off the philosophical gate at Keystone Hill. We need to make sure that those contributing to our community culturally and economically have the opportunity to live here. When you keep that gate open you are supporting our business community economy and culture. When you are commuting from at least 45 minutes away you can't be connected to that culture. He is also concerned about the town council deciding to give 1.5 million dollars to the tourism board for advertising. He said he was the only council member who voted against it and also voted for maintaining a cap on Short Term Rentals in the TOT. Some of these things are out of our hands and preempted by the state.

Ed Sheridan, representing the West Meadows HOA, stated they have concerns about the EEMP. While they are very cognizant of housing challenges they are very fearful of unintentional consequences that may occur.

Tom Boone asked what would limit our continued growth. We need housing for people who work in our community, considering higher density in all of these areas would create a very different community than we are living in today. He sees this as an advertisement for developers. He says that maybe he and others have overreacted to this but they need more information.

Lee Taylor responded that there seems to be a conflation between what's enabled for an area and what is not going to happen due to pre-existing conditions. Raspberry Patch is totally built out.

Tom Boone replied that his interpretation of the draft document is that his neighbor could tear down their house and build 20 affordable housing units on it.

Kaye Simonson responded that the chance of a single lot in a platted subdivision in the subdivision being rezoned to CH is slim to none.

Shelli Duplain, Aldasoro Ranch HOA manager, asked why the land use map is not showing available opportunities and identifying places where CH wouldn't happen.

Ed O'Sullivan, representing Telluride Ski Ranches HOA, one of the older associations here and maybe the largest with 204 residents. He states that the subdivision has supported the workforce by renting out several ADU's to area employees. They are supportive of workforce housing but don't want it slammed into their faces. They formally and vigorously oppose the new land use overlay for the Medium Density and Low Density zone districts, and formally oppose the language permitted outright.

Kevin Brand, stated that he is sensitive to what community housing would look like in his subdivision. He states the best way to handle the housing shortage is to not use the 20 unit per acre use by right and to not let this housing supply shortage from the Towns into the unincorporated county areas.

Emily Masson, Town of Telluride resident, commented that she waited tables in this very room. She doesn't understand why we need the CH designation, what is wrong with the Affordable Housing (AH) PUD zone. She hasn't heard that the county is offering any incentives for new developers creating AH. She thinks parking requirements are always in the way of affordable housing. She stated that the difference between a private developer and a local government acting as a developer is that a government can override existing covenants and PUD.

Kaye Simonson responded that any proposed development would be subject to the legally adopted covenants of a subdivision. For example the affordable housing units that Telluride Ski and Golf (TSG) has been building in the Two Rivers area in Ilium couldn't be sold at this time because of costs and interest. Incentives are difficult, but if a caretaker unit or affordable Dwelling Unit (ADU) is built to mitigate employee creation the developer or property owner does not have to pay the Employee Housing mitigation fee. The percentage to mitigate for subdivisions is one out of every three lots in the Land Use Code.

Emily Masson finished by saying that we need a clear timeline for the public to ease some of the anxiety.

James Caruso commented that he is the chairman of the Ski Ranches design committee. He would discourage the Planning Commission from making comments such as that this is unlikely to happen, from a legal standpoint. If the CH zone looked less dense such as Two Rivers without having condos jammed together, there would be more support. He is personally building a \$500,000 ADU to house a local couple.

Lauren Murray stated that she opposes aggressive growth in this community. Planning should focus its attention on improving transportation to the area and to make outlying communities more desirable to live in. She believes the EEMP is a gateway to excessive growth in the future,

which is causing much of the angst in the community. The biggest failure of the process is not quantifying where we are now.

Angie Hale asked if the Town of Telluride Planning and Zoning Commission had been consulted. She also asked what changes have been made to the document from the last worksession and how we can see them.

Lee Taylor responded that the changes haven't been made yet, but that we will compile them and send them to the consultants to incorporate into the draft.

Angie Hale asked if the CH zoning classification could be removed from this document, could the Planning Commission move forward with it? Could there be some sort of open meeting forum for discussion rather than just making comments? How is our input being quantified? She continued that she wrote these questions before the meeting and is pleasantly surprised by the openness and direction being taken at this meeting.

Morgan Smith, Last Dollar Collective, stated that a lot of the frustration is coming from a feeling of not being heard but he appreciates the feeling of being heard today. He commented that Ski Ranches does not have a PUD so the county would have every right to buy it and develop it. When you are planning you have to plan for the worst case scenario. It should be included in the plan that the County is committed to following the PUD rules and covenants. Legally how would you defend against someone who would want to build 20 units per acre by right.

Stacy Ticsay commented that we need to do another housing needs study. She thinks we need to be careful where we are putting density. We should increase it by lift 7 in the Town of Telluride.

Geneva Shaunette, Town of Telluride resident, commented that a road map to manage growth is really difficult including getting inclusive input. It's really hard to get the community involved and we need more interactivity between the local governments.

Nick Farkouh, Last Dollar Collective, commented that it is hard for people who are not in this business to learn about this subject matter, and he thinks we should retract the term outrage machine. We need to get a better handle on existing conditions, i.e., carrying capacity. The EEMP needs to identify the vision. Without intergovernmental cooperation there are huge gray areas within the Master Plan. We should be incentivizing people to rent long-term rather than short-term.

Scott Bennett, Aldasoro Sheep Ranch, stated that we will always be behind in housing because the more we build the more we need. The maps on this master plan give people a false sense of

hope, they show density overlays on properties that are already platted and built. We are not acknowledging the existing communities and PUD's in place.

Eric Beerman said thank you to those persons for getting people involved every step of the way, and for encouraging them to keep their finger on the pause button. Telluride is like a national park that never came to be. He appreciates the social justice aspect but environmental preservation is much more important. Imagine building apartment complexes in a National Park.

Elena Levin, Town of Telluride Council-elect, stated that she lives next to the Carhenge parking lot and is supportive of building high density housing there. She thinks the need for housing has not decreased, it has increased, we can make assumptions and that is the bare minimum. The resistance to change isn't progress we have heard from a lot of homeowners, which has a skewed perspective. We need to use all the tools that we have because there are not a lot of housing options available to us in higher density zones. Restricting community housing is restricting who is allowed to live on this land, this land was someone else's in the past and the people who own it now are not the only ones affected. Our community is shrinking and the people who are this community aren't coming to these meetings. ADU's and long term renting is a great option, but the gap between Short Term Renting and Long Term Renting is large enough not to build an affordable housing unit and these hypothetical solutions do not make sense.

Harvey Roisman, Aldasoro resident, commented that transit has not gotten enough attention. The current demographic is mixed and many people do not drive into town everyday. Residents of affordable housing will be working outside of the house and taking their kids to school, any affordable housing tenant that is moving in past the Society Turn will clog up the roundabout.

Richard Cornelius stated that he is very concerned about the plan and the speed it was moving, but is encouraged to see it slowing down. We need to be careful about where we are locating dense housing.

Kari Distefano, Advisory Group member, commented that we are at a point where we need to start looking carefully at our infrastructure and water and wastewater carrying capacity.

M.J. Schillaci brought up a comment letter received from George Greenbank about historical trails for the relevant subcommittee to consider.

Kaye Simonson asked that we hear more from the public about the other sections in the plan in addition to the affordable housing section.

Lee Taylor agreed that he would like to get feedback from the public regarding whether the plan is capturing their idea in all of the sections. He asks if the themes are ranked in order of importance.

Kaye Simonson responded no.

Galena Gleason added that she feels all the categories dovetail together.

Josselin Lifton Zoline asserted that the Future Land Use (FLU) map is designed to show current uses. The Low Density category does not include Forestry, Agriculture and Open zone district.

Lee Taylor asserted that he thought the dialogue was better structured today and he would like to let meetings have more of a 'flow' between commenters and commissioners in the future.

11:50 a.m. Adjourned.

Respectfully Submitted,



Nicola Kerr, Planning Technician

Approved on 12/14, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION



M.J. Schillaci, Secretary

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