



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, OCTOBER 10, 2024 – 9:00 AM

Online & 333 W. Colorado Ave, Telluride, Colorado

MEETING INFORMATION - This meeting will be held online and in person. 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. September 12 Minutes and Comment Letter
[September 12 Minutes](#)
[Public Comment Letter 5B Ken Lukaszewski](#)
- 3. 9:15 A.M. WORKSESSION: DISCUSSION REGARDING PROPOSED LAND USE CODE AMENDMENTS**
 - a. Discussion regarding draft Land Use Code Amendments
 - Camping, Campgrounds and RV Parks
 - Grading and Drainage
 - Cleanup and Corrections[CPC WS Packet LUCA 101024.pdf](#)
[LUC Cleanup Draft update 100724.pdf](#)

4. 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) 369-5423.

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

The official, designated 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:

September 12 Minutes and Comment Letter

Presented by:

Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[September 12 Minutes](#)

[Public Comment Letter 5B Ken Lukaszewski](#)

Description:

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

September 12, 2024

333 West Colorado Avenue Online Meeting

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
Matthew Bayma, Secretary
Ian Bald, Member
Galena Gleason, Member
Hallie Bevan Simpson, Senior Alternate

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

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

APPROVAL OF MINUTES

MOTION by Ian Bald to approve the July 11, 2024 minutes

SECONDED by Galena Gleason motion **PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent
Hallie Bevan Simpson	Aye	Nay	Abstain	Absent

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission that Hallie Bevan Simpson is the Planning Commission's new Senior Alternate while Robyn Van Gelder will be the Junior Alternate. Brad Ball is the new Community Development Technician. We have no upcoming Land Use Applications.

Galena Gleason asked where we are in our efforts to revise the Community Housing Zone District.

Kaye Simonson responded that she has been working closely with Jarrod Biggs, Assistant County Manager, on developing a scope of work for a facilitator who can assist with forming a

stakeholder group and facilitating meetings, as well as broadly looking at our land use code to develop other housing solutions in addition to the CH zone district.

John Huebner, Senior Planner, reported that Thor Mining’s Special Use Permit was amended by the BOCC for a slightly different time frame. Additionally there was a meeting held in the West End regarding a collaborative effort for the West End Sustainability Plan between Montrose County’s towns of Nucla, Naturita, and Redvale and San Miguel County’s Norwood.

Kaye Simonson continued that the draft Mining Land Use Code Update is almost complete and a joint meeting with the Planning Commission and Board of County Commissioners will need to be scheduled.

ELECTION OF A NEW PLANNING COMMISSION SECRETARY

MOTION by Lee Taylor to **NOMINATE** Mathew Bayma as Secretary.

SECONDED by Josselin Lifton-Zoline motion **PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent
Hallie Bevan Simpson	Aye	Nay	Abstain	Absent

9:15 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Consideration of an amendment article 6 of the Land Use Code regarding the definition of “Family”.

Kaye Simonson, Planning Director, presented a PowerPoint regarding the update.

There were no members of the public present.

MOTION by Galena Gleason to **RECOMMEND** the Board of County Commissioners approve the amendments to Land Use Code Article 6, Definitions, related to “Family,” as presented, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

SECONDED by Hallie Bevan Simpson motion **PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent
Hallie Bevan Simpson	Aye	Nay	Abstain	Absent

9:45 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Consideration of an amendment to the Land Use Code regarding Parking requirements.

John Huebner, Senior Planner, presented a PowerPoint regarding the update.

There were no members of the public present.

MOTION by Hallie Bevan Simpson to **RECOMMEND** to the Board of County Commissioners to adopt the amendments to San Miguel County Land Use Code Section 5-702, Parking related to required mixed use development parking study and to electric vehicle charging requirement, as presented, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code with the following changes,

1. There shall be a minimum of one EV charging space per 10 parking spots and an additional EV charger per 25 parking spaces thereafter

SECONDED by Ian Bald **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent
Hallie Bevan Simpson	Aye	Nay	Abstain	Absent

10:30 a.m. Adjourned.

Respectfully Submitted,

Nicola Kerr, Associate Planner

Approved on _____, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION

Mathew Bayma, Secretary

:\PC Planning Commission\PC Minutes\2024\pc.9.12.minutes.docx]

October 6th, 2024

Dear Norwood Public School Board and Superintendent Bissell,

We support the 5B Bond Proposal. Norwood School District has performed above average in almost all cohort student groups. Standardized college readiness and entrance tests exceeded expectations. Moreover, Norwood has been “Accredited with Distinction” two years in a row. The bond will commit the funds necessary to build a safe and secure environment to promote greater opportunities for learning, growth, and community engagement.

With a bond request of \$10 million, local taxpayers would only need to cover 14.32% of the total project cost for the buildings, estimated to cost \$69.8 million. If awarded the Building Excellent Schools Today (“BEST”) grant, the State of Colorado would pick up just over 85% of the total cost of the project. If the BEST grant is not secured this year, taxes will be deferred until the BEST grant is secured in any subsequent year. The bonding capacity will continue to increase so now is the time to lock in the bond.

Approval of the \$10 million bond would cost taxpayers \$101.83 annually per \$100,000 of home value and \$424 annually for each \$100,000 of business value. Of additional value is the knowledge that oil and gas interests and holders of vacant land will pay approximately 47% of the tax bill, helping to reduce the burden on local homeowners and business people.

We support the 5B Bond Proposal as an investment in the community's vitality.

Sincerely,

Your Name, Organization



AGENDA ITEM 3.a

TITLE:

Discussion regarding draft Land Use Code Amendments

- Camping, Campgrounds and RV Parks
- Grading and Drainage
- Cleanup and Corrections

Presented by:

Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC WS Packet LUCA 101024.pdf](#)

[LUC Cleanup Draft update 100724.pdf](#)

Description:

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: Work Session regarding pending Land Use Code Amendments
DATE: October 10, 2024

Background

Staff has identified the need for several amendments to the Land Use Code. These include regulations for commercial camping and RV parks as well as camping on private land; grading and drainage; and correction of errors and omissions as well as some general cleanup. LUC Section 5-1802 states, "Land Use Code Amendments 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 following standard."

The proposed amendments will be circulated to review agencies and scheduled for a future public meeting. The purpose of this work session is to inform the CPC of the proposed amendments. Early feedback on the content may be incorporated into the drafts.

Proposed Amendments

Camping:

The Land Use Code allows commercial camping and RV parks in the Forestry, Agriculture and Open (F), Park (P) and Wright's Mesa Rural Agriculture (WMRA) zone districts. Detailed regulations specific to the WMRA were adopted in 2021 and are contained in LUC Section 5-319 H.IV.f. In the F zone, LUC Section 5-307 D.IV allows "horseback riding and sleigh ride operations, and outdoor recreation areas and camping areas" and references the criteria in LUC Section 5-307 J; these criteria are more abbreviated than those for the WMRA zone. The Park zone district allows campgrounds subject to one-step review, per LUC Section 5-313 C.VII, but with no standards other than the general SUP standards. In addition to the Land Use Code, the Colorado Department of Public Health and Environment (CDPHE) has standards for the development of campgrounds, which are referenced as applicable in the WMRA zone district.

Over the past several years, Planning staff has been approached by people interested in developing campgrounds throughout the County. While the WMRA regulations are thorough, the regulations for other zone districts leave a great deal of room for interpretation. In the interest of consistency between zone districts, it is proposed to create use-specific regulations in Section 5-10, Special Uses, that can be used for all zone districts in which camping and RV parks may be proposed, using the WMRA regulations. In the WMRA zone district, those standards specific to the area are retained in that section, with a reference to the applicability of the standards in Section 5-10. The draft LUC amendment is attached.

Additionally, camping on private property has been a matter of policy and interpretation with little regulations to provide clear guidance, and there have been code enforcement issues from time to time. Typically, County staff have stated that it is permissible for a property owner or their guests to stay in a camper, RV or tent on their own property. Since Campgrounds are defined as two or more camping units, owners cannot occupy more than one camper or RV on the property. Such occupancy is not intended to be long-term, nor can camping units be rented as Short-Term Rentals. Additionally, renting of spaces to individuals to allow long-term habitation of campers or RVs has been interpreted as not being allowed, as that would be a commercial activity. At issue are several health and safety concerns, particularly with regards to waste disposal. The draft amendment seeks to put in the Code the interpretations and policies the County has been using. The proposed draft also creates guidance that will allow property owners to live in campers or RVs while constructing their homes, provided there is an active building permit and certain health and safety requirements are met.

Grading and Drainage:

Questions often arise over how much site grading can occur without a permit. Certain permits, such as of a driveway permit, a development permit for new construction, or a Wetlands Special Use Permit, may encompass impacts from grading, but there have been cases of significant site alterations without permits, which have led to code enforcement action due to concerns regarding erosion and sedimentation. There are also questions regarding whether such grading plans should be prepared by an engineer. State stormwater permits are required when disturbed areas are one acre or larger, but much smaller disturbances can have impacts to the environment, other properties, and infrastructure.

The proposed amendment is still being crafted and is not yet ready for distribution, but it will include standards that will help determine if a grading permit is needed. Normal grading activity associated with agriculture, allowed mining activity, water wells, onsite wastewater treatment systems, trenching for the placement of utilities, foundation construction with a valid building permit, trail or road construction by a governmental entity, or right-of-way maintenance and construction with valid Road and Bridge permits would be exempt; most of those activities are regulated through other sections of the Code.

Considerations include total area of disturbance (cut and fill), slopes, grades, and geohazards. The draft will also include requirements for stormwater management, revegetation and weed management. Review of grading and drainage plans would be an administrative process. Areas of larger disturbance, steep slopes, taller cuts, or sites in geohazards areas may require preparation of plans by a licensed engineer.

Code Cleanup and Corrections:

Staff has found several errors and omissions in the Code that require correction, as well as a few areas needing clarification or updating that are not significant enough for a stand-alone amendment.

Many of the amendments are a follow-up to the adoption of the East End Master Plan. The proposed draft changes references to the Master Plan, and clarifies or amends the usage of “Telluride Region” in a number of zone districts and sections. As proposed to be resolved, staff has focused on consistency of language between Code sections.

In the West End (WE) zone district, Solar Energy Systems would be added to the Purpose statement with respect to required Development Permits, consistent with the adoption of the recent Solar Energy Systems regulations. Also within the WE zone, the number of lots allowed through a Subdivision Exemption for the West End would be corrected to match Section 5-1211.

In Article 7, Definitions, the definition of Floor Area is proposed to be amended to better describe areas that are and are not included in calculations. This addresses questions that arise from time to time, particularly with regards to ADUs. The Referral Agencies definition would be amended to update the names of some agencies, and to add additional agencies who are often included but not listed. It should be noted that the list is not exhaustive, nor are all listed agencies notified for every single project. Rather, the referral agencies are selected based on their expected ability to provide substantive and informed input. Finally, the definition of “Short-Term Rental Permit” would be amended so it is an actual definition, and not stated as a regulation.

ATTACHMENTS

- Draft Land Use Code Amendment – Camping
- Draft Land Use Code Amendments – Cleanup and Corrections

Draft Land Use Code Amendment - Camping

October 2024

Additions are in underline. Deletions are in ~~striketrough~~.

- 5-307 D. Uses Allowed Subject to One-step Planning Commission Review
- IV. Horseback riding and sleigh ride operations, and outdoor recreation areas and campgrounds ~~camping areas (subject to compliance with Standards in Section 5-307 J.);~~
- ~~5-307 J. Camping and Outdoor Recreation Areas and Incidental Facilities Standards~~
~~In addition to complying with the standards for special uses in Section 5-10, camping and outdoor recreation areas and incidental facilities shall comply with the standards in this section.~~
- I. ~~Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight and short duration camping (4-month maximum);~~
- II. ~~Each space for travel trailers, truck campers and tents shall be at least 1500 sq. ft. in area;~~
- III. ~~Each space shall be at least 30 ft. in width;~~
- IV. ~~Each camping area shall provide a central water supply and shall have one sewage system;~~
- V. ~~The source, quality, quantity, distribution system, volume and method of storage of water, and the method of collection and treatment of sewage and wastewater shall be approved by the Colorado State Department of Public Health;~~
- VI. ~~No dependent travel trailer, truck camper or tent shall be located more than 200 ft. from a service building; and~~
- VII. ~~Provisions shall be made for adequate all-weather walkways to each space.~~
- 5-307 ~~K.~~J. Airports, Cemeteries, Sanitary Land Fill Operations and Sewage Disposal Areas Standards
- In addition to complying with the standards for special uses in Section 5-10, airports, cemeteries, sanitary land fill operations and sewage disposal areas facilities shall comply with the standards in this section.
- I. Such uses shall serve an obvious public need;

- II. Sufficient distance shall separate such uses from incompatible abutting properties; and
- III. Satisfactory proof shall be given that such areas will be properly maintained.

5-307 ~~L.~~ K. Single-family Dwellings over twelve thousand (12,000) sq. ft. of Floor Area on a minimum of thirty-five (35) acres

5-319 H. Use-Specific Standards

All uses are subject to the applicable use-specific standards set forth in the Section.

IV. Commercial

f. Recreational Vehicle Park, Travel Trailer Park or Campground

In addition to complying with the standards for special uses in Section 5-10 and including campgrounds in Section 5-1008, A a recreational vehicle/travel trailer park, campground and incidental facilities shall comply with all applicable state Colorado Department of Public Health and Environment (CHPHE) and County Environmental Health review standards and with the following standards:

- ~~i. Minimum Lot Area: The minimum lot area shall be two (2) acres.~~
- ~~ii. Maximum Lot Area: The maximum lot area to be developed with campsites, RV spaces, and service facilities shall be five (5) acres. The Open Space and Recreational areas required by Subsection xii of this Section may be located outside the maximum lot area.~~
- ~~iii. Lot Size/Number of Spaces: The campground may have up to ten (10) spaces per acre. An applicant is not automatically entitled to this maximum density. Each campsite or space shall accommodate only one camping party and the camping vehicle, unit or equipment occupied by persons within the same party.~~
- ~~iv. Duration of Stay: Such areas may be occupied only by persons using RV's, travel trailers, truck campers, and tents for overnight and short duration camping. No park or campground shall be used or long term housing (i.e., stays of longer than thirty (30) consecutive days or a total of thirty (30) days within any one hundred twenty-day (120 day period) unless an alternative time frame is established as part of a special use review. If determined necessary for mitigation of impacts, the maximum duration of stay may be reduced to less than thirty (30) days as part of a special use review.~~
- ~~v. Size of Spaces: Each space shall be at least one thousand five hundred (1,500) square feet and at least thirty (30) feet wide.~~
- ~~vi.i.~~ Setbacks from Property Line:
 - a. WMLI zone district:
 - Front: twenty-five (25) feet;
 - Side: twenty-five (25) feet;
 - Rear: twenty-five (25) feet;
 - b. WMRA zone district

- Front: forty (40) feet
 - Side: thirty (30) feet
 - Rear: thirty (30) feet
- c. ~~The minimum setback from a residential use shall be one hundred (100) feet.~~
- d. ~~The Highway 145 Scenic Corridor Standards of Section 5-319 I.III shall also apply where applicable.~~
- vii. ~~Central Water and Sewer: Each campground or park shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District or a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment.~~
- viii. ~~Central Refuse Disposal: The storage, collection, and disposal of refuse shall be animal resistant and performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.~~
- ix. ~~Service Buildings: Each space shall be located a minimum of two hundred (200) feet from a service building (with restroom).~~
- x. ~~Parking and Walkways Surface: Provisions shall be made for adequate all-weather parking, such as gravel, and walkways to each space. A minimum of one (1) auto parking space shall be provided on each RV space or campsite. One (1) additional auto parking space shall be provided for each of five (5) RV spaces or campsites.~~
- xi. ~~Screening and Landscaping: The campground or park shall be landscaped and screened from adjacent roadways and residential land uses. Such landscaping and screening plans must mitigate the visual impacts for the RV Park on the surrounding area. The adequacy of the visual mitigation shall be considered as part of the Special Use Permit. Landscape plans shall include water conserving measures and use drought-tolerant plants.~~
- xii. ~~Open Space and Recreational Areas: The campground or park shall provide common recreational area/open space area of sufficient size to meet the needs of the park occupants. Such area or areas shall not be less than ten (10) percent of the gross area of the park or campground.~~
- ~~xiii~~ ii. ~~Access: Entrances and Exits from a State Highway or County Road shall require the applicant to obtain the necessary access permits. The RV Park, Travel Trailer Park, or Campground shall abut and have direct access to a State Highway or a paved County Road that is maintained year-round. Signage advising users of County Off-Highway Vehicle (OHV) regulations shall be posted on the site.~~
- xiii. ~~A drainage plan for the site shall be provided.~~
- xiv. ~~Convenience establishment may be permitted as an accessory use subject to the following restrictions:~~
- a. ~~Such establishment shall be restricted in their uses to occupants of the park.~~

- ~~b. Such establishment shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.~~
- ~~c. The structure of such facility shall not be located closer than one hundred (100) feet to any public street and shall be accessible only from a street within the park or campground.~~
- ~~d. Such establishment shall be discontinued if the primary use is no longer in operation.~~
- ~~xv. Interior two-way roads shall be twenty (20) feet minimum width and all interior one-way roads shall be sixteen (16) feet minimum width.~~
- ~~xvi. Roadways shall be designed for the safe and convenient movement of vehicles. All roadways shall be crowned to facilitate drainage. The type of road surface, gravel with dust suppressant, chip seal or paving will be determined based upon location and density as part of the Special Use Review.~~
- ~~xviii.iii. There shall be no more than three (3) Recreational Vehicle Parks, Travel Trailer Parks or Campgrounds permitted in the Wright's Mesa Rural Agricultural zone district.~~

g. Campground Semi-Private

A Semi-Primitive Campground shall comply with the standards in Section 5-10, and including campgrounds in Section 5-1008, and:

- ~~i. A Semi-Primitive Campground has rudimentary facilities where such improvements are designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area.~~
- ~~ii. A Semi-Primitive Campground is accessible only by walk-in, equestrian, or motorized trail vehicles.~~
- ~~iii. RV or trailer camping would not be allowed in a Semi-Primitive Campground.~~
- ~~iv. A Semi-Primitive Campground shall comply with all applicable state of Colorado Department of Public Health and Environment (CDPHE) and County Environmental Health review standards.~~
- ~~v. Number of Guests: The Campground may have up to five (5) campsites on more than one hundred fifty (150) acres. Campgrounds with six or more campsites and/or on less than one hundred fifty (150) acres may be permitted by special use review. There shall be no more than six (6) guests per campsite.~~
- ~~vi. Fires shall only be permitted within established fire rings that are built to meet or exceed U.S. Forest Service standards.~~

5-319 K. Wrights Mesa Definitions

COMMERCIAL USES

VISITOR ACCOMMODATIONS

This use category includes for-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

Bed and Breakfast (defined in Article 67)

Campground or RV Park (defined in Article 7)

~~Any plot or parcel of real estate upon which two or more recreational vehicle or campsites are located, established, maintained, or occupied for dwelling or sleeping purposes for the general public as temporary living quarters for recreation or vacation purposes regardless of whether a charge is made for such accommodation.~~

Campground Semi-Primitive (defined in Article 7)

~~A Semi-Primitive Campground is a campground accessible only by foot, horseback, or motorized trail vehicles. Facilities or improvements are limited and designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area. RV or trailer camping is not allowed in a Semi-Primitive Campground.~~

5-714 Non-Commercial Camping

5-714 A. Occupancy of Recreational Vehicles and Temporary Shelters

I. Location

a. One (1) Recreational Vehicle (RV) or a temporary shelter may be occupied by the landowner or by his/her guests on individual parcels for recreational or vacation purposes.

i. RVs and temporary shelters shall not be located in the required setbacks of the underlying zoning.

II. Number Allowed

a. One (1) RV or temporary shelter may be occupied on a single property at a time.

b. Properties may be permitted to have more than one (1) RV or temporary shelter occupied at the same time, subject to approval of a Temporary Use Permit pursuant to Section 5-301 A.

III. Duration of Occupancy

RVs or temporary shelters may be occupied for a period not to exceed thirty (30) consecutive days. They shall not be occupied more than a total of ninety (90) days in any calendar year.

IV. Standards

The following standards shall apply to the occupancy of all RVs and temporary shelters:

- a. RVs must have a current registration and/or vehicle license.
- b. To protect public safety, all RVs and temporary shelters must remain readily mobile and meet the following requirements:
 - i. RVs shall not be driven or parked across, over, or on any part of the onsite waste water treatment system.
 - ii. The RV or temporary shelter's hook-ups must be in compliance with all applicable building, OWTS, fire, electrical, mechanical and related codes.
- c. All waste shall be contained and disposed of in a proper manner.
 - i. Gray water, toilet waste, or any other solid or liquid waste material shall not be disposed upon the ground.
 - ii. RVs must be connected to an approved OWTS, or transported to a sanitary dump station as needed to empty gray water and toilet waste tanks or be serviced on-site by a certified waste hauler. Drain outlets on RVs with plumbing fixtures shall be capped unless connected to a sewage disposal system.
 - iii. Refuse shall be contained in a bear-resistant enclosure.
- d. The use of a vehicle not designed or intended for occupancy is not permitted under this Section, e.g. passenger cars and light trucks, livestock trailers without living quarters, utility trailers, and similar vehicles.
- g. RVs and temporary shelters located on private property may not be leased or rented to another party for use on that property except as may permitted within an approved Campground or RV Park.
- h. All areas shall be kept free from accumulations of refuse and from health, fire, or safety hazards.

V. Temporary Dwelling

A Recreational Vehicle (RV) may be used as a temporary dwelling by the property owner during construction or remodel of a single-family residence on a property subject to the following conditions.

- a. A valid building permit for the permanent single-family dwelling shall be in effect during the entire time that the RV is occupied on the site, but the RV shall not be used as a dwelling for a period longer than twenty-four (24) months.
- b. The RV is connected to the water supply and sewage disposal system that will serve the single-family residence, unless other arrangements have been approved by the San Miguel County Environmental Health Department or the applicable water and sewer district.
- c. Refuse shall be contained in a bear-resistant container.

5-1008 Standards for Recreational Vehicle Park, Travel Trailer Park or Campground in all Zone Districts

In zone districts where permitted, a recreational vehicle/travel trailer park, campground and incidental facilities shall comply with all applicable state Colorado Department of Public Health and Environment (CHPHE) and County Environmental Health review standards and with the following standards:

- I. Minimum Lot Area: The minimum lot area shall be two (2) acres.
- II. Maximum Lot Area: The maximum lot area to be developed with campsites, RV spaces, and service facilities shall be five (5) acres. The Open Space and Recreational areas required by Subsection XII of this Section may be located outside the maximum lot area.
- III. Lot Size/Number of Spaces: The campground may have up to ten (10) spaces per acre. An applicant is not automatically entitled to this maximum density. Each campsite or space shall accommodate only one camping party and the camping vehicle, unit or equipment occupied by persons within the same party.
- IV. Duration of Stay: Such areas may be occupied only by persons using RV's, travel trailers, truck campers, and tents for overnight and short duration camping. No park or campground shall be used or long-term housing (i.e., stays of longer than thirty (30) consecutive days or a total of thirty (30) days within any one hundred twenty-day (120-day period) unless an alternative time-frame is established as part of a special use review. If determined necessary for mitigation of impacts, the maximum duration of stay may be reduced to less than thirty (30) days as part of a special use review.

- V. Size of Spaces: Each space shall be at least one thousand five hundred (1,500) square feet and at least thirty (30) feet wide.
- VI. Setbacks: The minimum setback from a residential use shall be one hundred (100) feet.
- VII. Central Water and Sewer: Each campground or park shall connect and be served by the water utility and the sewer utility or a water supply system and sewage collection and disposal system approved by the Colorado Department of Public Health and Environment.
- VIII. Central Refuse Disposal: The storage, collection, and disposal of refuse shall be animal-resistant and performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.
- IX. Service Buildings: Each space shall be located no more than two hundred (200) feet from a service building (with restroom).
- X. Parking and Walkways Surface: Provisions shall be made for adequate all-weather parking, such as gravel, and walkways to each space. A minimum of one (1) auto parking space shall be provided on each RV space or campsite. One (1) additional auto parking space shall be provided for each of five (5) RV spaces or campsites.
- XI. Screening and Landscaping: The campground or park shall be landscaped and screened from adjacent roadways and residential land uses. Such landscaping and screening plans must mitigate the visual impacts for the RV Park on the surrounding area. The adequacy of the visual mitigation shall be considered as part of the Special Use Permit. Landscape plans shall include water- conserving measures and use drought-tolerant plants.
- XII. Open Space and Recreational Areas: The campground or park shall provide common recreational area/open space area of sufficient size to meet the needs of the park occupants. Such area or areas shall not be less than ten (10) percent of the gross area of the park or campground.
- XIII. Access: Entrances and Exits from a State Highway or County Road shall require the applicant to obtain the necessary access permits. The RV Park, Travel Trailer Park, or Campground shall abut and have direct access to a State Highway or a County Road that is maintained year-round, except where otherwise specified by the zone district standards. Signage advising users of County Off-Highway Vehicle (OHV) regulations shall be posted on the site.
- XIV. A drainage plan for the site shall be provided.
- XV. Convenience establishment may be permitted as an accessory use subject to the following restrictions:
 - a. Such establishment shall be restricted in their uses to occupants of the park.

- b. Such establishment shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
 - c. The structure of such facility shall not be located closer than one hundred (100) feet to any public street and shall be accessible only from a street within the park or campground.
 - d. Such establishment shall be discontinued if the primary use is no longer in operation.
- XVI. Interior two-way roads shall be twenty (20) feet minimum width and all interior one-way roads shall be sixteen (16) feet minimum width.
- XVII. Roadways shall be designed for the safe and convenient movement of vehicles. All roadways shall be crowned to facilitate drainage. The type of road surface, gravel with dust suppressant, chip seal or paving will be determined based upon location and density as part of the Special Use Review.

5-1009 Standards for Semi-Primitive Campground in All Zone Districts

A Semi-Primitive Campground shall comply with the following standards:

- I. A Semi-Primitive Campground has rudimentary facilities where such improvements are designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area.
- II. A Semi-Primitive Campground is accessible only by walk-in, equestrian, or motorized trail vehicles.
- III. RV or trailer camping is not allowed in a Semi-Primitive Campground.
- IV. A Semi-Primitive Campground shall comply with all applicable state of Colorado Department of Public Health and Environment (CDPHE) and County Environmental Health review standards.
- V. Number of Guests: The Campground may have up to five (5) campsites on more than one hundred fifty (150) acres. Campgrounds with six (6) or more campsites and/or on less than one hundred fifty (150) acres may be permitted by special use review. There shall be no more than six (6) guests per campsite.
- VI. Fires shall only be permitted within established fire rings that are built to meet or exceed U.S. Forest Service standards.

Recreational Vehicle

A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. designed and built either in a factory setting or by a private party, to be used primarily as a temporary living quarter for recreational, camping, travel or seasonal use and that either has its own motor power or is mounted on or towed by another vehicle, including camp trailers, fifth wheel trailers, motor homes, park models, travel trailers and truck campers. Non-factory produced housing units that are mounted on a chassis and have axels are also considered recreational vehicles.

Article 7. Definitions**Campground or RV Park**

Any plot or parcel of real estate upon which two (2) or more recreational vehicles or campsites are located, established, maintained, or occupied for dwelling or sleeping purposes for the general public as temporary living quarters for recreation or vacation purposes regardless of whether a charge is made for such accommodation. A campground may also include an area with rental cabins, but its primary function is to accommodate visitors providing their own shelter. An establishment wherein the majority of the recreational vehicles, campers, tents, or shelters are provided for rent by the operator and are not brought in by visitors shall be considered a Guest Ranch, Hotel, or Hunting Lodge use.

Campground, Semi-Primitive

A Semi-Primitive Campground is a campground accessible only by foot, horseback, or motorized trail vehicles. Facilities or improvements are limited and designed for protection of the site and not for the comfort of the minimal number of campers in the limited use area. RV or trailer camping is not allowed in a Semi-Primitive Campground.

Recreational Vehicle

A vehicle designed and built either in a factory setting or by a private party, to be used primarily as a temporary living quarter for recreational, camping, travel or seasonal use and that either has its own motor power or is mounted on or towed by another vehicle, including camp trailers, fifth wheel trailers, motor homes, park models, travel trailers and truck campers. Non-factory produced housing units that are mounted on a chassis and have axels are also considered recreational vehicles.

Temporary Shelter

The use of camping equipment or facilities such as tents, tarpaulins or fabricated shelters for recreational purposes and not for residential purposes, and that may include the use of temporary

cooking and bedding facilities such as open fires, camp stoves, cots, bedrolls, hammocks, or sleeping bags.

DRAFT

LAND USE CODE AMENDMENTS – CLEANUP AND CORRECTIONS

DRAFT - October 2024

A number of errors and omissions have been found within the Code that require correction or clarification. Additionally, conforming changes to the Land Use Code are needed following adoption of the East End Master Plan.

Additions are shown underlined and deletions are shown with ~~strike-through~~.

Proposed amendments are as follows:

ARTICLE 2 LAND USE POLICIES

2-1207

Manage development within the designated view planes and the scenic foreground to preserve the natural appearances ~~within the Telluride Region~~ along scenic and major highways.

2-2905

Assist the private sector in providing new affordable housing throughout San Miguel County, but primarily in the ~~Telluride Region~~ East End of the County and the Telluride R-1 School District, to reduce the critical shortage of affordable housing;

ARTICLE 5 STANDARDS

5-302 High Density (HD)

5-302 A. Purpose

- I. The purpose of the High Density (HD) Zone District is to provide areas suitable for high density, clustered, mixed-use development in accordance with the ~~Telluride Regional Area~~ East End Master Plan. The Master Plan includes an analysis of the ~~Telluride Region's~~ East End's physical characteristics and the capability of the community to provide essential public services. The HD Zone District also provides a high density and mixed use development alternative to low density development as an incentive for the preservation of substantially more open space than could reasonably be required as part of a lower density development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.
- II. Minimum requirements for approval of the residential densities and the nonresidential land uses allowed in the Zone District shall include appropriate guarantees for the protection of public health, safety and

welfare, which shall include, but are not limited to, the provision of alternate transportation, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area~~ East End Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-302 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-302 E. or approval to utilize the area and bulk requirements in Section 5-302 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

- II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and to insure the protection of the public health, safety and welfare in the ~~Telluride Region~~ region;
- VII. ~~In the Telluride Region, acceptable~~ Acceptable guarantees that fulfill the criteria set forth in the ~~Telluride Regional Area~~ East End Master Plan have been made for the provision of:

5-303 Medium Density (MD)

5-303 A. Purpose

- I. The purpose of the Medium Density (MD) Zone District is to provide areas suitable for clustered medium density residential development in accordance with the San Miguel County Comprehensive Development Plan. The ~~Telluride Regional Area~~ East End Master Plan includes an analysis of the ~~Telluride Region's~~ East End's physical characteristics and the capability of the community to provide essential public services. Due to consideration of such factors as neighborhood compatibility, availability of community services and road capacities, lands zoned MD are capable of accommodating higher density development than can lands zoned LD. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.
- II. ~~Within the Telluride Region, minimum~~ Minimum requirements for

approval of the residential densities proposed for the MD Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of alternate transportation, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area~~ East End Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-303 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-303 E. or approval to utilize the area and bulk requirements in Section 5-303 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

- VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area~~ East End Master Plan) have been made for the provision of:

5-304 Low Density (LD)

5-304 A. Purpose

- I. The purpose of the Low Density (LD) Zone District is to provide areas suitable for clustered, low-density residential development in accordance with the San Miguel County Comprehensive Development Plan. The LD Zone District applies to areas so zoned already; it shall not provide a mechanism for rezoning areas not currently so zoned. The ~~Telluride Regional Area~~ East End Master Plan includes an analysis of the ~~Telluride Region's~~ region's physical characteristics and the capability of the community to provide essential public services. If land is developed under the LD Zone District, the rural characteristics of the land shall be preserved to the maximum extent possible by careful site planning and, if necessary, the clustering of development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.
- II. ~~Within the Telluride Region, minimum~~ Minimum requirements for approval of the residential densities proposed for the LD Zone District shall include appropriate guarantees for the protection of public health, safety and

welfare, which shall include, but are not limited to, provision of transportation (capital, facilities and equipment) necessary to serve the development, long-term operation and maintenance of the regional transportation system, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area East End~~ Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, all lands will be subject to the standards for uses and area and bulk requirements allowed by right.

5-304 I. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-304 F. or approval to utilize the area and bulk requirements in Section 5-304 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

- VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area East End~~ Master Plan) have been made for the provision of:

5-305 Affordable Housing Planned Unit Development (AH) (PUD)

5-305 A. Purpose

The purpose of the Affordable Housing Planned Unit Development (AH) (PUD) is to provide areas suitable for clustered affordable housing for persons (and their families) who live and earn their living primarily in the R-1 School District. The AH PUD Zone District may be applied as an overlay where other zoning currently exists to encourage a socioeconomic mix of residents in a development; however, neither the underlying zoning nor the affordable housing requirement associated with that zoning by Section 5-1303 may be affected by the overlay, and 100 percent of the increase associated with the AH PUD overlay must be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304). The AH PUD Zone District is intended for lands currently serving this purpose and may be applied to any land in the ~~Telluride Region~~ identified as suitable for such development within the San Miguel Comprehensive Development Plan or any element of the Plan.

5-314 Open Space (OS)

5-314 A. Purpose

The Open Space (OS) Zone District is intended to preserve land within view corridors, floodplains, wetlands, riparian areas and big game habitats in its natural

character for public or private use or enjoyment. The OS Zone District requires the preservation of natural features, view corridors and environmentally sensitive areas. The OS Zone District shall be applicable to land dedicated to and/or owned by a public or quasi-public entity, but may also include portions of large, privately owned parcels.

The OS Zone District includes some lands previously zoned Forestry, Agriculture and Open (F). For private ownership parcels with split zoning (a parcel with more than one zone district) the development should be located on the portion of the property not zoned OS. In all cases where the OS Zone District has been applied to private lands previously zoned F, the allowed density under the F Zone District (1 unit/35 acres) may be clustered on adjoining acreage (under the same ownership) not zoned Open Space, Park or High Country.

The Open Space Zone District is a transition area between the Town of Telluride, the Telluride Regional Airport, areas of clustered low-density residential development and the surrounding hillsides and mountainous areas some of which are in the High Country Area Zone District. The areas ~~in the Telluride Region~~ zoned OS include lands owned by the Telluride Regional Airport Authority that are intended to prevent development of uses and structures that are incompatible with airport operations, reclaimed mine tailing piles and lands in the vicinity of the Pandora Mill site in the east end of the Telluride Valley, lands owned by San Miguel County that are subject to a Conservation Easement, and privately owned lands adjacent to the Town of Telluride. Many of these OS zoned properties are on steep hillsides and are subject to Geologic Hazards that include but are not limited to avalanche areas, potentially unstable slopes, debris flow, rockfall areas, and slopes greater than 30 percent. In addition to these natural hazards these hillside areas can be seen from many places in the Town of Telluride, public use areas and the surrounding mountainsides, therefore any development, particularly the development of residences, has the potential for significant environmental and visual impact on the overall character of the ~~region-Telluride Region~~. Any development of structures in the OS Zone District should undergo an Administrative Review to ensure that these natural hazards will be avoided or will be properly mitigated, the proposed development will be safe, and to the greatest extent possible the structure(s) should appear to blend in with the hillside and/or immediate surrounding topography so the natural landscape is preserved and the residence will have minimal visibility from State Highway 145, Colorado Avenue, CR K69, the Town of Telluride and public use areas. Development of residences on property within the OS zone district should be sited, designed and built to maximize the perception of Open Space.

5-316 Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP)

5-316 A. Purpose

The Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP) Zone District

is intended to establish a scenic resource area including those lands proximate to and most visible from State Highway 145 which substantially contribute to the unique visual character of the ~~Telluride Regional Area~~ East End and/or the entrance to Telluride. The purposes of establishing the SFO and SVP are to steer development away from the most highly visible sites and to insure that developments are designed to complement the natural features within transportation corridors so as to maintain an aesthetically pleasing, rural approach to Telluride. Land development previously allocated to areas within the SFO and SVP Zone District may be clustered elsewhere on a site, as may be appropriate.

5-317 Planned Unit Development Reserve (PUDR)

5-317 A. Purpose

The Planned Unit Development Reserve (PUDR) Zone District is intended to define maximum long-term development potential of specific, large parcels of land under contiguous ownership in the ~~Telluride Region~~ East End (See Section 5-1403 F.). PUD Reserve status for a contiguous parcel provides a transition between designation under the San Miguel County Comprehensive Development Plan and final zoning. No development shall occur under the PUDR Zone District. An applicant desiring to develop a PUD Reserve must obtain PUD approval for the entire parcel. However, portions of a Reserve may be given different rezoning designations as necessary to implement the ~~Telluride Regional Area~~ East End Master Plan. PUDR applies only to existing parcels so zoned already; PUDR shall not be applied to any additional parcels.

5-317 B. Development Potential

The development potential assigned to a given parcel through the PUDR Zone District is based on classifying the Reserve land into one of three categories:

- IV. Mixed Use – as described in Appendix B of the East End Master Plan (originally Section N of the Telluride Regional Area Master Plan) and established as part of the Combined PUD/Subdivision Plan Review process.

5-317 D. Density of Residential Development

The density of residential development in the PUDR Zone District is based upon the cumulative number of people to be housed in various types of housing, as follows (as per the ~~Telluride Regional Area~~ East End Master Plan, Section III. A.):

5-317 E. Sub-districts and Designated Uses

Assigning sub-districts within parcels zoned PUDR can help define development potential by indicating specific locations for and sizes of various types of development.

V. Mixed Use

- a. The purpose of this sub-district designation within a PUD Reserve Zone District is to provide areas suitable for the development of a balanced mix of land uses, including office, retail, flex space, medical, lodging, and housing, which are compatible with the ~~Telluride Region~~ East End.

5-317 G. Development and PUD Approval Procedure

At such time as a parcel owner is ready to proceed with any development within a PUD Reserve, the developer shall apply for PUD approval of the entire parcel. Sub-districts may receive different final zoning designations as necessary to implement the ~~Telluride Regional Area~~ East End Master Plan. All development plans shall be processed via the PUD Procedure (see Section 5-14)

5-320 West End (WE)

5-320 A. Purpose

The West End (WE) Zone District is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimum public facilities and services and are considered premature for substantial development. Development activities in these areas shall be encouraged to preserve historical, archeological and natural resources and landmarks, while allowing individuals the right to farm and ranch, using the necessary resources desired and needed with as little intrusion as possible on property rights.

Development Permits are not required in the WE Zone District except for Data Centers pursuant to Section 5-320 J, Oil and Gas Exploration and Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2. Based on historic lack of growth in the West End and the flexibility inherent in the WE District, this Zone District shall be reviewed every 5 years.

5-320 E. Uses Allowed Subject to One-Step Board of County Commissioner Review

- I. Open Land Protection Subdivision Exemption for five (5) or more lots (see Section 5-1207); and
- II. Subdivision Exemption for the West End to create 5 four (4) or fewer parcels, each of at least three (3) acres or larger, from a single original parcel ~~each~~ (see Section 5-1211).

5-322 Low Density Residential (LDR)

5-322 A. Purpose

- I. The purpose of the Low Density Residential Zone is to provide areas suitable for clustered, low density residential development in accordance with the San Miguel County Comprehensive Plan and the PUDR Zone and to implement the “alternative density” provided for in the PUDR Zone District and the ~~Telluride Regional Area~~ East End Master Plan. Only property currently located in the ~~Telluride Region~~ East End and zoned PUDR may be classified in the Low Density Residential Zone.
- II. In planning for the development of land under the Low Density Residential Zone, clustering of residential uses and the establishment of building envelopes on lots to restrict areas of development to preserve environmentally or visually sensitive open space and wildlife habitat will be required. In addition, attention shall be given to visual vulnerability and/or the relationship of each parcel to essential public facilities and services and the use of the scenic foreground as open space. The density of residential development in the Low Density Residential Zone may vary from one unit per six to eight acres, depending upon an analysis of factors such as neighborhood compatibility, availability of urban services, road capacities, and consistency with the adopted goals and objectives of the ~~Telluride Regional Area~~ East End Master Plan.

5-322 H. Review Standards for Land Uses and Area and Bulk Requirements Requiring Review Through the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-322 D. or approval to utilize the area and bulk requirements in Section 5-322 F. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

- VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area~~ East End Master Plan) have been made for the provision of:

5-323 Mixed Use Development (MXD)

5-323 A. Purpose

- I. The purpose of the Mixed-Use Development (MXD) Zone is to provide areas suitable for the development of a balanced mix of land uses that are compatible with the ~~Telluride Region~~ East End as contemplated by the ~~Telluride Regional Area~~ East End Master Plan. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain

Village, and Lawson Hill, enhancing the overall mix of uses serving local residents, employees and visitors alike.

- II. Development of property included in the MXD Zone shall occur in accordance with the ~~Telluride Regional Area~~ East End Master Plan, the San Miguel County Comprehensive Plan, the PUDR Zone, this MXD Zone and other applicable provisions of the San Miguel County Land Use Code.

5-323 G. Review Standards

An applicant seeking approval for any of the Allowable Uses shall demonstrate to the satisfaction of the Decision Maker substantial compliance with the standards in this section.

- I. The use is consistent with the applicable Land Use Policies (Article 2);
- II. Adequate public services such as roads, water, wastewater disposal/treatment, public safety and fire protection are available to serve the proposed use and the development adequately mitigates the incremental impacts on the community's existing public services;
- III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site; and
- IV. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan and the ~~Telluride Regional Area~~ East End Master Plan.

5-502 D. Surfacing

All subdivision roads in the Telluride Air Quality Region, as described in Section 5-23 of this Code, shall be paved. Other roads may have gravel surface.

5-506 Trails

A. Construction of Trails and Dedication of Trail Easements

A developer seeking final plat, rezoning, or any other site specific development approval shall be required by the Board of Commissioners to dedicate trail easements, pursuant to the ~~Telluride Regional Area~~ East End Master Plan and the San Miguel County Comprehensive Development Plan, extending 25 feet either side of the proposed trail centerline for construction and maintenance purposes and 10 feet either side of the proposed trail centerline for public use purposes. A developer seeking final plat or rezoning approval also must construct within two years of the date of approval all trail segments required pursuant to the ~~Telluride Regional Area~~ East End Master Plan and the San Miguel County Comprehensive

Development Plan. The Board of County Commissioners, in its sole discretion, may accept an alternative right-of-way width based upon a site-specific request.

5-1302 Accessory Dwelling Units

5-1302 A. Applicability

One (1) accessory dwelling unit per lot or parcel may be approved in the HD, MD and LD Zone Districts ~~(only within the Telluride Region as defined in the Telluride Regional Area Master Plan)~~ subject to compliance with the standards in this section and the applicable Zone District. Refer to sections 3-4 and 4-7 for procedures and submission contents.

5-2001 Transportation Impact Mitigation in the Telluride R-1 School District

5-2001 B. Requirements in the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and Mixed Use Development Zone Districts

Prior to final subdivision approval, each subdivision including lands proposed for development under the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and/or Mixed Use Development Zone Districts shall:

- IV. Provide easements on owned or controlled land necessary to ensure the feasibility of the alternate transportation mechanisms planned as part of the Telluride ~~Region~~ R-1 School District Alternate Transportation System and listed in Section 5-2002.

SECTION 5-23: AIR QUALITY

The purpose of this section is to ensure that the impacts of development on air quality in the Telluride region are adequately mitigated.

5-2301 Ban on Solid-fuel Burning Devices in Telluride Air Quality Region

Installation of solid-fuel burning devices, including woodstoves and open fireplaces, is prohibited in the Telluride Air Quality Region as illustrated in map below. However, all solid-fuel burning device permits issued prior to June 4, 1992, the effective date of this provision, shall be honored, except where limited by later property-specific agreements.

ARTICLE 7 DEFINITIONS

Floor Area

The sum area of all Floors protected by an impervious covering calculated using the exterior dimensions of the adjacent walls. If the area being measured shares a common wall with another area (e.g. an Accessory Dwelling Unit attached to a Primary Residence), the area shall be measured to the center of the common wall. Floor Area includes horizontal surfaces in all floors and Basements that have a vertical height in excess of five (5) feet. Floor Area includes any areas less than five (5) feet in height that are part of a larger area and are not fully separated from the larger area by walls. Floor Area is measured across stairwells, flues, vents and other openings between floors. This Floor Area does not include covered decks, porches, patios, or covered surfaces not enclosed by exterior walls. ~~Floor Area includes horizontal surfaces in Basements that have a vertical height in excess of five (5) feet.~~ A Garage, as defined in Article 6, is not included in the calculation of Floor Area. ~~However, to~~ To encourage energy efficiency, where earth ship, cob, straw bale, or true adobe construction is used, Floor Area will be calculated using the interior dimensions of the ~~adjacent exterior~~ walls.

Master Plan

The San Miguel County Comprehensive Development Plan and/or one of its constituent Master Plans, such as the ~~Telluride Regional Area~~ East End Master Plan or the Wright's Mesa Master Plan.

Referral Agencies

Agencies or persons that may, in the opinion of the Planning Office or the Board, be affected by a development proposal or be otherwise competent to provide relevant information or analysis concerning the potential impacts of the proposal. These agencies include, but are not limited to:

- (1) The appropriate school district;
- (2) Appropriate offices of each municipality within a two-mile radius of any portion of the Site;
- (3) Appropriate offices of each county within a two-mile radius of any portion of the Site;
- (4) Utility, local improvement and service districts, or ditch companies;
- (5) Each planning commission with jurisdiction over the area;
- (6) The appropriate fire district;
- (7) Special districts pursuant to Title 32, Colorado Revised Statutes;
- ~~(68)~~ Neighborhood caucus groups;
- ~~(79)~~ Homeowner's associations;
- ~~(810)~~ The appropriate soil conservation district board(s);

- (~~9~~11) The County Attorney;
- (~~10~~12) The County Building Official;
- (~~11~~13) The County Engineer;
- (~~12~~14) The County Extension Agent;
- (~~13~~15) The County Road and Bridge Department;
- (~~14~~16) The County Environmental Health Director;
- (17) The County Sheriff;
- (~~15~~18) The Colorado Department of Health;
- (~~16~~19) The Colorado Department of Highways-Transportation;
- (~~17~~20) The Colorado Division of Mines;
- (~~18~~21) The Colorado Division of Parks and Wildlife;
- (~~19~~22) The Colorado Engineer;
- (~~20~~23) The Colorado Forest Service;
- (~~21~~24) The Colorado Geological Survey;
- (~~22~~25) The Colorado ~~Historical Society~~ State Historic Preservation Office;
- (~~23~~26) The Colorado Land Use Commission;
- (~~24~~27) The Colorado ~~Oil and Gas~~ Energy and Carbon Management Commission;
- (~~25~~28) The Colorado Water Conservation Board;
- (~~26~~29) The U.S. Forest Service;
- (30) The U.S. Bureau of Land Management;
- (~~27~~31) Canal and Ditch Company; and
- (~~28~~32) In cases of Wetland reviews, a qualified hydrologist-; and
- (33) Any other agency, department, organization or entity determined by the Planning Director to be relevant.

San Miguel Canyon Area

All developable land within one (1) mile of the San Miguel River between the ~~western edge of the Telluride Region~~ the intersection of County Road 63L (Ilium Road) and Highway 145 and the base of Norwood Hill, excluding parcels or portions thereof that lie atop one of the mesas adjoining the river canyon.

Short-Term Rental Permit

A permit issued by the Planning Director ~~Property owners must obtain a “Short-Term Rental~~

~~Permit” from the County prior to Short-Term renting a residence~~ pursuant to Land Use Code Section 5-30 that allows a Property Owner to rent a Single-Family Residence, Condominium Unit or Duplex Unit as a Short-Term Rental.

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LAND USE CODE AMENDMENTS – CLEANUP AND CORRECTIONS

DRAFT - October 2024

Updated October 7, 2024

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ARTICLE 2 LAND USE POLICIES

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Manage development within the designated view planes and the scenic foreground to preserve the natural appearances ~~within the Telluride Region~~ along scenic and major highways.

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Assist the private sector in providing new affordable housing throughout San Miguel County, but primarily in the ~~Telluride Region~~ East End of the County and the Telluride R-1 School District, to reduce the critical shortage of affordable housing;

ARTICLE 5 STANDARDS

5-302 High Density (HD)

5-302 A. Purpose

- I. The purpose of the High Density (HD) Zone District is to provide areas suitable for high density, clustered, mixed-use development in accordance with the ~~Telluride Regional Area~~ East End Master Plan. The Master Plan includes an analysis of the ~~Telluride Region's~~ East End's physical characteristics and the capability of the community to provide essential public services. The HD Zone District also provides a high density and mixed use development alternative to low density development as an incentive for the preservation of substantially more open space than could reasonably be required as part of a lower density development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.
- II. Minimum requirements for approval of the residential densities and the

nonresidential land uses allowed in the Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, the provision of alternate transportation, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area~~ East End Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-302 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-302 E. or approval to utilize the area and bulk requirements in Section 5-302 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

- II. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use and to insure the protection of the public health, safety and welfare in the ~~Telluride Region~~ region;
- VII. ~~In the Telluride Region, acceptable~~ Acceptable guarantees that fulfill the criteria set forth in the ~~Telluride Regional Area~~ East End Master Plan have been made for the provision of:

5-303 Medium Density (MD)

5-303 A. Purpose

- I. The purpose of the Medium Density (MD) Zone District is to provide areas suitable for clustered medium density residential development in accordance with the San Miguel County Comprehensive Development Plan. The ~~Telluride Regional Area~~ East End Master Plan includes an analysis of the ~~Telluride Region's~~ East End's physical characteristics and the capability of the community to provide essential public services. Due to consideration of such factors as neighborhood compatibility, availability of community services and road capacities, lands zoned MD are capable of accommodating higher density development than can lands zoned LD. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.

- II. ~~Within the Telluride Region, minimum~~ Minimum requirements for approval of the residential densities proposed for the MD Zone District shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of alternate transportation, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area East End~~ Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, non-environmentally sensitive lands will remain zoned either LD or PUDR and therefore will be subject to the standards of the applicable district, and environmentally sensitive lands will remain zoned either OS or PUDR and therefore will be subject to the standards of the applicable district.

5-303 J. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Section 5-303 E. or approval to utilize the area and bulk requirements in Section 5-303 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section:

- VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area East End~~ Master Plan) have been made for the provision of:

5-304 Low Density (LD)

5-304 A. Purpose

- I. The purpose of the Low Density (LD) Zone District is to provide areas suitable for clustered, low-density residential development in accordance with the San Miguel County Comprehensive Development Plan. The LD Zone District applies to areas so zoned already; it shall not provide a mechanism for rezoning areas not currently so zoned. The ~~Telluride Regional Area East End~~ Master Plan includes an analysis of the ~~Telluride Region's region's~~ physical characteristics and the capability of the community to provide essential public services. If land is developed under the LD Zone District, the rural characteristics of the land shall be preserved to the maximum extent possible by careful site planning and, if necessary, the clustering of development. Clustering of residential uses will be required to preserve environmentally sensitive lands and the scenic foreground as open space.
- II. ~~Within the Telluride Region, minimum~~ Minimum requirements for approval of the residential densities proposed for the LD Zone District shall

include appropriate guarantees for the protection of public health, safety and welfare, which shall include, but are not limited to, provision of transportation (capital, facilities and equipment) necessary to serve the development, long-term operation and maintenance of the regional transportation system, recreational amenities and affordable housing, as described in the ~~Telluride Regional Area East End~~ Master Plan and in this Code (see Sections 5-13 and 5-20). In the absence of such guarantees and in the absence of the fulfillment of the other requirements set forth in the PUD process, all lands will be subject to the standards for uses and area and bulk requirements allowed by right.

5-304 I. Review Standards for Land Uses and Area and Bulk Requirements Requiring Board of County Commissioner Approval pursuant to the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-304 F. or approval to utilize the area and bulk requirements in Section 5-304 G. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area East End~~ Master Plan) have been made for the provision of:

5-305 Affordable Housing Planned Unit Development (AH) (PUD)

5-305 A. Purpose

The purpose of the Affordable Housing Planned Unit Development (AH) (PUD) is to provide areas suitable for clustered affordable housing for persons (and their families) who live and earn their living primarily in the R-1 School District. The AH PUD Zone District may be applied as an overlay where other zoning currently exists to encourage a socioeconomic mix of residents in a development; however, neither the underlying zoning nor the affordable housing requirement associated with that zoning by Section 5-1303 may be affected by the overlay, and 100 percent of the increase associated with the AH PUD overlay must be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304). The AH PUD Zone District is intended for lands currently serving this purpose and may be applied to any land in the ~~Telluride Region identified as suitable for such development within the San Miguel Comprehensive Development Plan or any element of the Plan.~~

5-314 Open Space (OS)

5-314 A. Purpose

The Open Space (OS) Zone District is intended to preserve land within view

corridors, floodplains, wetlands, riparian areas and big game habitats in its natural character for public or private use or enjoyment. The OS Zone District requires the preservation of natural features, view corridors and environmentally sensitive areas. The OS Zone District shall be applicable to land dedicated to and/or owned by a public or quasi-public entity, but may also include portions of large, privately owned parcels.

The OS Zone District includes some lands previously zoned Forestry, Agriculture and Open (F). For private ownership parcels with split zoning (a parcel with more than one zone district) the development should be located on the portion of the property not zoned OS. In all cases where the OS Zone District has been applied to private lands previously zoned F, the allowed density under the F Zone District (1 unit/35 acres) may be clustered on adjoining acreage (under the same ownership) not zoned Open Space, Park or High Country.

The Open Space Zone District is a transition area between the Town of Telluride, the Telluride Regional Airport, areas of clustered low-density residential development and the surrounding hillsides and mountainous areas some of which are in the High Country Area Zone District. The areas ~~in the Telluride Region~~ zoned OS include lands owned by the Telluride Regional Airport Authority that are intended to prevent development of uses and structures that are incompatible with airport operations, reclaimed mine tailing piles and lands in the vicinity of the Pandora Mill site in the east end of the Telluride Valley, lands owned by San Miguel County that are subject to a Conservation Easement, and privately owned lands adjacent to the Town of Telluride. Many of these OS zoned properties are on steep hillsides and are subject to Geologic Hazards that include but are not limited to avalanche areas, potentially unstable slopes, debris flow, rockfall areas, and slopes greater than 30 percent. In addition to these natural hazards these hillside areas can be seen from many places in the Town of Telluride, public use areas and the surrounding mountainsides, therefore any development, particularly the development of residences, has the potential for significant environmental and visual impact on the overall character of the ~~region-Telluride Region~~. Any development of structures in the OS Zone District should undergo an Administrative Review to ensure that these natural hazards will be avoided or will be properly mitigated, the proposed development will be safe, and to the greatest extent possible the structure(s) should appear to blend in with the hillside and/or immediate surrounding topography so the natural landscape is preserved and the residence will have minimal visibility from State Highway 145, Colorado Avenue, CR K69, the Town of Telluride and public use areas. Development of residences on property within the OS zone district should be sited, designed and built to maximize the perception of Open Space.

5-316 Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP)

5-316 A. Purpose

The Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP) Zone District is intended to establish a scenic resource area including those lands proximate to and most visible from State Highway 145 which substantially contribute to the unique visual character of the ~~Telluride Regional Area~~ East End and/or the entrance to Telluride. The purposes of establishing the SFO and SVP are to steer development away from the most highly visible sites and to insure that developments are designed to complement the natural features within transportation corridors so as to maintain an aesthetically pleasing, rural approach to Telluride. Land development previously allocated to areas within the SFO and SVP Zone District may be clustered elsewhere on a site, as may be appropriate.

5-317 Planned Unit Development Reserve (PUDR)

5-317 A. Purpose

The Planned Unit Development Reserve (PUDR) Zone District is intended to define maximum long-term development potential of specific, large parcels of land under contiguous ownership in the ~~Telluride Region~~ East End (See Section 5-1403 F.). PUD Reserve status for a contiguous parcel provides a transition between designation under the San Miguel County Comprehensive Development Plan and final zoning. No development shall occur under the PUDR Zone District. An applicant desiring to develop a PUD Reserve must obtain PUD approval for the entire parcel. However, portions of a Reserve may be given different rezoning designations as necessary to implement the ~~Telluride Regional Area~~ East End Master Plan. PUDR applies only to existing parcels so zoned already; PUDR shall not be applied to any additional parcels.

5-317 B. Development Potential

The development potential assigned to a given parcel through the PUDR Zone District is based on classifying the Reserve land into one of three categories:

- IV. Mixed Use – as described in Appendix B of the East End Master Plan (originally Section N of the Telluride Regional Area Master Plan) and established as part of the Combined PUD/Subdivision Plan Review process.

5-317 D. Density of Residential Development

The density of residential development in the PUDR Zone District is based upon the cumulative number of people to be housed in various types of housing, as follows (as per the ~~Telluride Regional Area~~ East End Master Plan, Section III. A.):

5-317 E. Sub-districts and Designated Uses

Assigning sub-districts within parcels zoned PUDR can help define development potential by indicating specific locations for and sizes of various types of

development.

V. Mixed Use

- a. The purpose of this sub-district designation within a PUD Reserve Zone District is to provide areas suitable for the development of a balanced mix of land uses, including office, retail, flex space, medical, lodging, and housing, which are compatible with the ~~Telluride Region~~ East End.

5-317 G. Development and PUD Approval Procedure

At such time as a parcel owner is ready to proceed with any development within a PUD Reserve, the developer shall apply for PUD approval of the entire parcel. Sub-districts may receive different final zoning designations as necessary to implement the ~~Telluride Regional Area~~ East End Master Plan. All development plans shall be processed via the PUD Procedure (see Section 5-14)

5-320 West End (WE)

5-320 A. Purpose

The West End (WE) Zone District is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimum public facilities and services and are considered premature for substantial development. Development activities in these areas shall be encouraged to preserve historical, archeological and natural resources and landmarks, while allowing individuals the right to farm and ranch, using the necessary resources desired and needed with as little intrusion as possible on property rights.

Development Permits are not required in the WE Zone District except for Data Centers pursuant to Section 5-320 J, Oil and Gas Exploration and Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2. Based on historic lack of growth in the West End and the flexibility inherent in the WE District, this Zone District shall be reviewed every 5 years.

5-320 E. Uses Allowed Subject to One-Step Board of County Commissioner Review

- I. Open Land Protection Subdivision Exemption for five (5) or more lots (see Section 5-1207); and
- II. Subdivision Exemption for the West End to create ~~5~~ four (4) or fewer parcels, ~~each of at least three (3) acres~~ or larger, from a single original parcel ~~each~~ (see Section 5-1211).

5-322 Low Density Residential (LDR)

5-322 A. Purpose

- I. The purpose of the Low Density Residential Zone is to provide areas suitable for clustered, low density residential development in accordance with the San Miguel County Comprehensive Plan and the PUDR Zone and to implement the “alternative density” provided for in the PUDR Zone District and the ~~Telluride Regional Area~~ East End Master Plan. Only property currently located in the ~~Telluride Region~~ East End and zoned PUDR may be classified in the Low Density Residential Zone.
- II. In planning for the development of land under the Low Density Residential Zone, clustering of residential uses and the establishment of building envelopes on lots to restrict areas of development to preserve environmentally or visually sensitive open space and wildlife habitat will be required. In addition, attention shall be given to visual vulnerability and/or the relationship of each parcel to essential public facilities and services and the use of the scenic foreground as open space. The density of residential development in the Low Density Residential Zone may vary from one unit per six to eight acres, depending upon an analysis of factors such as neighborhood compatibility, availability of urban services, road capacities, and consistency with the adopted goals and objectives of the ~~Telluride Regional Area~~ East End Master Plan.

5-322 H. Review Standards for Land Uses and Area and Bulk Requirements Requiring Review Through the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-322 D. or approval to utilize the area and bulk requirements in Section 5-322 F. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

- VI. ~~In the Telluride Region, acceptable~~ Acceptable guarantees (as described in the ~~Telluride Regional Area~~ East End Master Plan) have been made for the provision of:

5-323 Mixed Use Development (MXD)

5-323 A. Purpose

- I. The purpose of the Mixed-Use Development (MXD) Zone is to provide areas suitable for the development of a balanced mix of land uses that are compatible with the ~~Telluride Region~~ East End as contemplated by the

~~Telluride Regional Area East End~~ Master Plan. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain Village, and Lawson Hill, enhancing the overall mix of uses serving local residents, employees and visitors alike.

- II. Development of property included in the MXD Zone shall occur in accordance with the ~~Telluride Regional Area East End~~ Master Plan, the San Miguel County Comprehensive Plan, the PUDR Zone, this MXD Zone and other applicable provisions of the San Miguel County Land Use Code.

5-323 G. Review Standards

An applicant seeking approval for any of the Allowable Uses shall demonstrate to the satisfaction of the Decision Maker substantial compliance with the standards in this section.

- I. The use is consistent with the applicable Land Use Policies (Article 2);
- II. Adequate public services such as roads, water, wastewater disposal/treatment, public safety and fire protection are available to serve the proposed use and the development adequately mitigates the incremental impacts on the community's existing public services;
- III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site; and
- IV. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan and the ~~Telluride Regional Area East End~~ Master Plan.

5-502 D. Surfacing

All subdivision roads in the Telluride Air Quality Region, as described in Section 5-23 of this Code, shall be paved. Other roads may have gravel surface.

5-506 Trails

A. Construction of Trails and Dedication of Trail Easements

A developer seeking final plat, rezoning, or any other site specific development approval shall be required by the Board of Commissioners to dedicate trail easements, pursuant to the ~~Telluride Regional Area East End~~ Master Plan and the San Miguel County Comprehensive Development Plan, extending 25 feet either side of the proposed trail centerline for construction and maintenance purposes and 10 feet either side of the proposed trail centerline for public use purposes. A developer seeking final plat or rezoning approval also must construct within two years of the date of

approval all trail segments required pursuant to the ~~Telluride Regional Area East End~~ Master Plan and the San Miguel County Comprehensive Development Plan. The Board of County Commissioners, in its sole discretion, may accept an alternative right-of-way width based upon a site-specific request.

5-1302 Accessory Dwelling Units

5-1302 A. Applicability

One (1) accessory dwelling unit per lot or parcel may be approved in the HD, MD and LD Zone Districts ~~(only within the Telluride Region as defined in the Telluride Regional Area Master Plan)~~ subject to compliance with the standards in this section and the applicable Zone District. Refer to sections 3-4 and 4-7 for procedures and submission contents.

5-2001 Transportation Impact Mitigation in the Telluride R-1 School District

5-2001 B. Requirements in the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and Mixed Use Development Zone Districts

Prior to final subdivision approval, each subdivision including lands proposed for development under the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and/or Mixed Use Development Zone Districts shall:

- IV. Provide easements on owned or controlled land necessary to ensure the feasibility of the alternate transportation mechanisms planned as part of the Telluride ~~Region~~ R-1 School District Alternate Transportation System and listed in Section 5-2002.

SECTION 5-23: AIR QUALITY

The purpose of this section is to ensure that the impacts of development on air quality in the Telluride region are adequately mitigated.

5-2301 Ban on Solid-fuel Burning Devices in Telluride Air Quality Region

Installation of solid-fuel burning devices, including woodstoves and open fireplaces, is prohibited in the Telluride Air Quality Region as illustrated in map below. However, all solid-fuel burning device permits issued prior to June 4, 1992, the effective date of this provision, shall be honored, except where limited by later property-specific agreements.

ARTICLE 7 DEFINITIONS

Floor Area

The sum area of all Floors protected by an impervious covering calculated using the exterior dimensions of the adjacent walls. If the area being measured shares a common wall with another area (e.g. an Accessory Dwelling Unit attached to a Primary Residence), the area shall be measured to the center of the common wall. Floor Area includes horizontal surfaces in all floors and Basements that have a vertical height in excess of five (5) feet. Floor Area includes any areas less than five (5) feet in height that are part of a larger area and are not fully separated from the larger area by walls. Floor Area is measured across stairwells, flues, vents and other openings between floors. This Floor Area does not include covered decks, porches, patios, or covered surfaces not enclosed by exterior walls. ~~Floor Area includes horizontal surfaces in Basements that have a vertical height in excess of five (5) feet.~~ A Garage, as defined in Article 6, is not included in the calculation of Floor Area. ~~However, to~~ To encourage energy efficiency, where earth ship, cob, straw bale, or true adobe construction is used, Floor Area will be calculated using the interior dimensions of the ~~adjacent exterior~~ walls.

Master Plan

The San Miguel County Comprehensive Development Plan and/or one of its constituent Master Plans, such as the ~~Telluride Regional Area~~ East End Master Plan or the Wright's Mesa Master Plan.

Referral Agencies

Agencies or persons that may, in the opinion of the Planning Office or the Board, be affected by a development proposal or be otherwise competent to provide relevant information or analysis concerning the potential impacts of the proposal. These agencies include, but are not limited to:

- (1) The appropriate school district;
- (2) Appropriate offices of each municipality within a two-mile radius of any portion of the Site;
- (3) Appropriate offices of each county within a two-mile radius of any portion of the Site;
- (4) Utility, local improvement and service districts, or ditch companies;
- (5) Each planning commission with jurisdiction over the area;
- (6) The appropriate fire district;
- (7) Special districts pursuant to Title 32, Colorado Revised Statutes;
- ~~(68)~~ Neighborhood caucus groups;
- ~~(79)~~ Homeowner's associations;
- ~~(810)~~ The appropriate soil conservation district board(s);

- (~~9~~11) The County Attorney;
- (~~10~~12) The County Building Official;
- (~~11~~13) The County Engineer;
- (~~12~~14) The County Extension Agent;
- (~~13~~15) The County Road and Bridge Department;
- (~~14~~16) The County Environmental Health Director;
- (17) The County Sheriff;
- (~~15~~18) The Colorado Department of Health;
- (~~16~~19) The Colorado Department of Highways-Transportation;
- (~~17~~20) The Colorado Division of Mines;
- (~~18~~21) The Colorado Division of Parks and Wildlife;
- (~~19~~22) The Colorado Engineer;
- (~~20~~23) The Colorado Forest Service;
- (~~21~~24) The Colorado Geological Survey;
- (~~22~~25) The Colorado ~~Historical Society~~ State Historic Preservation Office;
- (~~23~~26) The Colorado Land Use Commission;
- (~~24~~27) The Colorado ~~Oil and Gas~~ Energy and Carbon Management Commission;
- (~~25~~28) The Colorado Water Conservation Board;
- (~~26~~29) The U.S. Forest Service;
- (30) The U.S. Bureau of Land Management;
- (~~27~~31) Canal and Ditch Company; and
- (~~28~~32) In cases of Wetland reviews, a qualified hydrologist-; and
- (33) Any other agency, department, organization or entity determined by the Planning Director to be relevant.

San Miguel Canyon Area

All developable land within one (1) mile of the San Miguel River between the ~~western edge of the Telluride Region~~ the intersection of County Road 63L (Ilium Road) and Highway 145 and the base of Norwood Hill, excluding parcels or portions thereof that lie atop one of the mesas adjoining the river canyon.

Short-Term Rental Permit

A permit issued by the Planning Director ~~Property owners must obtain a “Short-Term Rental~~

~~Permit” from the County prior to Short-Term renting a residence~~ pursuant to Land Use Code Section 5-30 that allows a Property Owner to rent a Single-Family Residence, Condominium Unit or Duplex Unit as a Short-Term Rental.

UPDATED TO ADD:

5-407 Wildlife Habitat Areas

5-407 A. General Standards

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

- 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~~

5-418 Telluride Regional Airport

5-418 G. Height Limits

No structure shall be constructed and no tree shall be allowed to grow above or outside the following limits:

- III. Horizontal Zone - The limiting surface lies 150 above the runway elevation. On terrain above the runway elevation, the limiting surface lies 60 feet directly above the ground surface; and
- IV. Conical Zone - The limiting surface slopes 20 feet outward for each foot upward, beginning at the periphery of the horizontal zone, 150 feet above the runway elevation and extending to 350 feet above the runway elevation. On terrain above the runway elevation, the limiting surface lies 60 feet directly above the ground surface; ~~in addition~~ and
- V. No material change shall be made in the use of land, no structure shall be constructed, and no tree shall be planted above the limiting surfaces established in this Section without a permit approved by the Board of County Commissioners that includes all submission requirements listed in Sections 5-418 D. and 5-418 E.; and
- VI. Before any structure is permitted to be erected, altered, maintained or allowed to be expanded within an Airport Impact Area, the Board of County Commissioners may require a Notice of Construction or Alteration to be filed with the Federal Aviation Administration for a determination of hazardous or non-hazardous conditions and effect on the airport operational Rules and Regulations.