

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

September 9, 2021

On-line Meeting Via Zoom

Present: Lee Taylor, Chair
Pamela Hall, Vice-chair
M.J. Schillaci, Secretary
Ian Bald, Member
Josselin Lifton-Zoline, Member

Absent: Matthew Bayma, Sr. Alternate
Tobin Brown, Jr. Alternate

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

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office
Matt Gonzales, Building Official

Public Present: Terri Lamers
Steve McGee
Steve Snyder
Julia Caulfield, KOTO

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

APPROVAL OF MINUTES

Consideration of the August 19, 2021 Minutes was continued to the next meeting.

PLANNING COMMISSION AND STAFF COMMENTS

- A short review of the new Granicus agenda program linked with the San Miguel County website for ease in accessing the commission packet info was given.
- The Sunnyside project is being framed. It has been annexed and rezoned into the Town of Telluride.
- Genesee Properties is preparing its preliminary PUD application.

9:15 PUBLIC HEARING REVIEW OF LAND USE APPLICATION

Applicant: Snyder Ranches LLC and Outlaw Automotive and Fabrication

Property Owner: Snyder Properties LLC

Address/Location: 38764 State Highway 145

Parcel size: 2.58-acre (Parcel #429517300003)

Zone District: Wright's Mesa (WM)

Proposal: Special Use Permit to establish Automotive Repair Service Shop.

Those who addressed the commission:

Terri Lamers, Applicant

John Huebner, Senior Planner, presented the Special Use Permit application required to establish a commercial automotive repair service shop at 38764 State Highway 145, Norwood, within the Wright's Mesa Zone District. An existing small scale automobile/equipment repair facility, Outlaw Automotive & Fabrication, owned by Sean McGee, operates on site. In February 2021 a complaint was filed regarding a possible zoning violation. On March 19, 2021 and May 17, 2021 letters were issued to Snyder Properties, LLC identifying that a Special Use Permit is required to operate a commercial auto repair shop on the property. In response, an application was submitted. On August 25, 2021 the Planning staff and Building Official conducted a site visit. The Commission had a virtual site visit via photos.

The property is a 2.58-acre site, located just over 2 miles east of the Town of Norwood. There is a single-family residence, metal frame building and assorted agricultural outbuildings on the property. The property is zoned WM-Wright's Mesa, as are the surrounding properties. The property to the east has a single-family residence with the remainder of the surrounding area mostly being agricultural with houses located further away.

The property is served by a residential water tap from Norwood Water District and has an onsite wastewater treatment system (OWTS) that was constructed in the 1970's.

Notice was mailed and published. Referral agencies were notified and comments were received. The metal building is listed as outdoor storage from the Assessor's records, not as a commercial building. When there is a change in use, the building needs to meet any code requirements for life safety issues. Per Matt Gonzales, SMC Building Official, building permits and inspections must be obtained for the auto repair facility to obtain a Certificate of Occupancy if SUP is approved.

The applicant will use an existing steel building for the business. As part of the conditions there shall be a limited number of vehicles. Overnight vehicle parking plan is for 2-4 vehicles inside the facility. The maximum number of vehicles parked outside for the automotive repair use shall be limited to five (5) vehicles. Only short-term customer parking and employee vehicles shall be parked on the south side of the building. All vehicles shall have current registration and shall not be on the property for more than thirty (30) days. Repairs will usually be completed in 1-5 business days.

Staff recommends approval with the listed conditions.

Property owner will be permit holder as the operator is leasing the facility from them. Josselin asked if they could continue with the SUP as long as they own the land. The SUP is issued to the Applicant, Snyder Properties, LLC and does not run with the land.

Terri Lamers, applicant, asked if the motion be amended to state the property owner as Snyder Ranches. LLC rather than Snyder Properties as the applicant of record.

9:32 a.m. Open to Public Comment

9:33 a.m. Closed to Public Comment

The Planning Commission asked the applicant if they foresee additional employees in the future and if they anticipate them using the residence for facilities for employees. There is no plan for additional employees at this time. There will an administrative review of the SUP in one year.

MOTION by Josselin Lifton-Zoline to approve the proposed Snyder ~~Properties~~ **Ranches**, LLC Auto Repair Service Shop Special Use Permit (SUP), and adopt Resolution No 2021-07, based on the finding that the proposed use complies with the standards of Land Use Code (LUC) Sections 5-319 Wrights Mesa (WM) Zone District Purpose, 5-319 K Review Standards for all WM Zone District Special Uses, and 5-1002, Special Uses, and is consistent with the County Master Plan, with the following conditions:

1. The maximum number of vehicles parked outside for the automotive repair use shall be limited to five (5). Only short-term customer parking and employee vehicles shall be parked on the south side of the building. All vehicles shall have current registration and shall not be on the property for more than thirty (30) days.
2. Obtain all necessary inspections for the Repair Facility. If a Certificate of Occupancy or Final Inspection is not obtained within ninety (90) days of the date of this approval, the approval of the auto repair service shall be void. The Planning Director and Building Official may grant an extension and allow more time to meet this condition, provided the applicant is working diligently to complete all work and obtain all inspections.
3. Vegetation and weeds shall be controlled. The site shall be kept clear of trash and debris and maintained in a clean and orderly condition.
4. The use of the site shall be limited to the areas shown on the site plan. There shall be no further development without County Planning approval.
5. A lighting plan shall be submitted prior to installing any exterior lighting. All lighting shall be directed down and meet the requirements of LUC Section 5-710.
6. A sign permit shall be obtained prior to placing any commercial sign.
7. The Special Use Permit is issued to the Applicant, Snyder ~~Properties~~ **Ranch**, LLC, and does not run with the land.
8. All written representations of the applicant, in the original submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

9. There shall be an annual review one (1) year after the date of approval of this SUP approval (September 2022). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

SECONDED by Mary Jo Schillaci. **VOTE PASSED 5-0.**

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

LAND USE CODE AMENDMENT REVIEW AND RECOMMENDATION

Request: To Amend San Miguel County Land Use Code Section 1-10, County Planning Office, regarding Written Interpretations.

Kaye Simonson, Planning Director presented the amendment that was requested by the Planning Department as they have been getting a lot of requests for written interpretations of the Land Use Code and how it applies to a certain property or situation. These reports are very specific, somewhat binding, and take a lot of research and time. The Land Use Code does not provide a specific process for the preparation of interpretations, and when the various references to interpretations are pieced together, the Code is inconsistent and contradictory. "Request for Interpretation" is defined, placing the responsibility for LUC and zoning map interpretations with the County Attorney, upon consultation with the Planning Director. Section 1-1903, Appeal of Planning Director's Administrative Decision, references Land Use Code interpretations as a Director's decision that can be appealed to the BOCC. Section 1-1403 A.I gives the Board of Adjustment the authority to make interpretations of a zoning map.

The proposed amendment eliminates the contradictions and establishes a clear process for requesting and responding to an interpretation, including a timeline. Additionally, minor corrections are made to Section 1-10 so it is accurate and describes intended functions. Finally, Article 6, Definitions, Request for Interpretation, would be amended to conform to the changes. If the Land Use Code amendment is adopted by the BOCC, the Planning Fee Resolution would also be amended to include a \$275.00 administrative fee for the preparation of Written Interpretations. The BOA will retain the responsibility to consider requests for interpretation of zone map boundaries; there is no change to that section (1-14)

The meeting agenda was published in the newspapers and notice was sent to the referral agencies. The County Attorney and County Manager were consulted while the draft was being prepared and their comments have been incorporated into the draft as presented. No public comments were received.

The Commission began by asking if Special Use Permits were recorded. Kaye Simonson, Planning Director answered that the Resolutions for SUP's are recorded.

MJ asked about Article 6, Definitions and the term "legal" and if it assumes the County Attorney is involved in the interpretation and by taking it out would make it clearer that it is an administrative interpretation. It was discussed.

Pam Hall asked if this is a non-binding interpretation and in the future if the Planning Director sees it differently or wants to change the interpretation, could it be modified. In time, if there was new evidence presented or the code is changed, they could be modified. An applicant would have to pay the fee again for a new interpretation. Any amendments to the Land Use Code may supersede any interpretations.

MOTION by Ian Bald to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 1-10, County Planning Office, regarding Written Interpretations, with an associated amendment to Article 6, Definitions, based on 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 and the additional condition of striking the work "legal" from the definitions in Article 6.

SECONDED By Mary Jo Schillaci **VOTE PASSED 5-0**

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

LAND USE CODE AMENDMENT REVIEW AND RECOMMENDATION:

Troy Hangen, Senior Planner presented a Land Use Code Amendment to Section 5-319 K., Wright's Mesa Definitions, "Material Recovery Facility (MRF), to include composting. "Material Recovery Facility" and "Salvage, Junk Yard" are industrial uses allowed with a Two-Step Review Process with County Planning Commission recommendation and approval by the Board of County Commissioners.

This request was initiated by the County Legal Assistant due to a pending grant application by the County seeking to acquire a Recycling Resources Economic Opportunity mini-grant from the Colorado Department of Public Health and Environment. The mini-grant would allow the County to begin a compost facility which will in turn reduce the amount of green waste going to the landfill. A proposed compost facility use would be allowed subject to rezoning of a specific parcel to the Wright's Mesa Rural Agriculture Zone District and would require a Special Use Permit under a Two-Step Review Process with County Planning Commission recommendation and approval by the Board of County Commissioners for the MRF to collect the compost. Kaye Simonson added that she has talked with several entities that are interested in doing compost in the County so this would be applicable beyond just the Norwood Transfer Station.

Public notice was published in the Telluride Daily Planet and the Norwood Post. Referral agencies were also noticed.

Josselin Lifton-Zoline asked for clarity that it would require a Special Use Permit, a two-step process, to make compost. She then inquired as to why this is allowed in the WMRA Zone District and no other zone districts.

Kaye Simonson responded that if a proposal was made in future, for instance in the light industrial zone district, it may be plausible and any impacts could be addressed. It would not be appropriate in the town or residential zoned areas.

MOTION by Josselin Lifton-Zoline, to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 5-319 K. regarding definitions in the Wright's Mesa Zone district, 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 Pamela Hall. **VOTE PASSED 5-0.**

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

WORKSESSION:

Discussion of Affordable Housing as requested by the Board of County Commissioners. Possibly to develop an Affordable Housing Zone district that would not be the 5-step PUD. The idea is to develop workforce housing will be a use by right in the effort to take away some of the barriers to build affordable housing.

11:09 a.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2021.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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