



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, SEPTEMBER 8, 2022 – 9:00 AM

333 W Colorado Avenue, 2nd Floor

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

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

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

- a. Approval of the August 11, 2022 minutes
[pc.8.11.22.minutes.final.docx](#)

3. LAND USE CODE AMENDMENT RECOMMENDATION

- a. Review and Recommendation of Section 5-10, Special Uses, to update application requirements and review criteria for uses allowed subject to Special Use Permit review for properties located within the unincorporated San Miguel County / MOTION
[CPC Packet Materials Special Uses LUCA 090822.pdf](#)
- b. Review and Recommendation of Land Use Code Section 5-320 West End (WE), to include Data Centers as uses allowed subject to Special Use Permit review for property located within the unincorporated County / MOTION
Recommended Motion:

I move to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 3-101 Development Permits and 5-320 West End (WE) to Allow Data Centers, with a corresponding amendment to Article 6, Definitions, 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.

[Packet CPC 9-8-2022.pdf](#)

4. WORKSESSION:

- a. Discussion of Telluride Regional Master Plan

5. ADJOURN

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

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

The official, 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, or to view meeting packtes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.



AGENDA ITEM 2.a

TITLE:

Approval of the August 11, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.8.11.22.minutes.final.docx](#)

Description:

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

August 11, 2022

Online Meeting

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

Absent: Lee Taylor, Chair

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

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

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

APPROVAL OF MINUTES

MOTION by Matt Bayma to approve the July 14, 2022 minutes as presented.

SECONDED by Tobin Brown. **VOTE PASSED 4-0.**

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

9:03 AM Ian Bald joined the meeting

9:15 A.M. LAND USE APPLICATION ANNUAL REVIEW

Annual Review - Foreign Cars SUP to update the existing SUP approval for the auto repair shop and add Warehousing and Affordable Housing for persons employed on-site as additional uses, as approved by CPC Resolution #2021-05.

Josselin Lifton-Zoline stated she shares an easement with Theron Pace for access to her own property, but there is no relationship beyond that, and feels it does not weigh in her decisions.

Those who addressed the Commission:

Tina Dellis, neighbor & George Parker's wife

Chris Myers, speaking for George Parker, neighbor

On August 19, 2021, the County Planning Commission (CPC) approved an amendment to the Foreign Cars Special Use Permit and adopted CPC Resolution #2021-05, retaining the auto repair business, retaining the contractor's yard and shop, adding warehousing as a new use, and adding a residential use that shall be affordable housing for persons employed on the site. The resolution included 15 conditions, including the requirement that there be an annual review one year after the SUP was approved.

On May 19, 2022, Kaye Simonson, Planning Director, and Matt Gonzales, Building Official, visited the site with Theron Pace for a project status update. A letter regarding the status of each condition was prepared and sent to the applicants. As stated in the letter, there were notable conditions that still needed to be addressed.

Condition #2, Erect an opaque fence to screen the property. A fabric mesh screening has been partially installed along the east property line adjacent to the pasture. There are also wood fence panels stockpiled on the site that will be used on the south side facing the neighbor's buildings. Completion of the fence is in progress. The applicant has built a berm with trees along the south property line. The Planning Commission will need to consider if the screening, fence, and berm proposal meets the intent of their condition.

Condition #8, obtain all the necessary inspections for the apartment. The Building Department issued the Certificate of Occupancy earlier in the week.

Condition #14, the mobile home shall be removed. The demolition of the mobile home and cleanup was complete.

Condition #10 stated documentation was needed from an engineer regarding the size, location, and condition of the Onsite Wastewater Treatment System(s) (OWTS). As required, an engineer inspected the OWTS. Although the exact size and locations of all components are not known, and cannot be known without full excavation of the systems, the engineer found the systems to be functional. Therefore, no modifications to the systems are required.

Theron Pace spoke to add clarity to the review. He stated that the mobile home demolition had some obstacles, including an asbestos inspection and windy conditions that delayed the removal. There was also a lawsuit with the neighbor which delayed the mobile home and fence. Mr. Pace has planted trees along a berm he created for a natural screen and will maintain them so they will survive.

9:16 p.m. Open to Public Comment

Tina Dellis, wife of George Parker and neighbor expressed concerns with trash and vicious dogs coming onto their property from the subject property.

Chris Myers read a letter from George Parker, speaking on his behalf due to health reasons

9:36 p.m. Closed Public Comment

The commission discussed adding three years of inspection for the landscaping survival.

Theron stated that he has water and will maintain the tree berm screen.

The commission also discussed that there have been no more reports of vicious dogs and that the sheriff was included as a referral agency. It was also asked who is occupying the apartment space and what their role in the business is. Planning will follow up on this.

MOTION by Matt Bayma to approve the annual review of the Foreign Cars Special Use Permit as set forth in Resolution No. 2021-05, with the direction that the applicant complete all work by September 30, 2022, as follows:

1. The fence on the south property line and the screening on the east property line shall be completed.
2. There shall be annual inspections for a period of (3) three years to ensure the viability of the landscaping on the south berm.
3. If all work is not completed by September 30, 2022, the SUP may be referred to the Board of County Commissioners for review pursuant to LUC Section 5-1005 Violations.

SECONDED By Tobin Brown. **VOTE PASSED 5-0**

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

9:52 AM Recess

9:58 AM Reconvene

WORKSESSION

A. Discussion regarding Telluride Region Master Plan Update

Kaye Simonson shared that there were three finalists, and Design Workshop has been selected. Jessica Garrow, AICP, Principle in Charge at Design Workshop introduced her team and gave a presentation on the Master Plan including community engagement, outreach, timeline, and communication regarding the project management. Kaye stated that the DOLA Grant requires that there be a final draft by next May and to be completed by July 2023.

10:28 AM Open to Public Comment

Pam Bennett – asked where to find the RFP

Doug Tooley – comments about GIS and ADA compliance considerations.

10:34 AM Closed Public Comment

B. Discussion regarding Land Use Code amendments

Kaye Simonson updated the Commission on the previous day's work session with the Board of County Commissioners and potential future LUC amendments. That included discussion on how much of a demolition would be allowed on a property before it constitutes new construction. In the Town of Telluride, removing more than 50% of the exterior walls is considered new construction. Affordable housing mitigation rates for commercial uses were also discussed. Staff also mentioned the upcoming LUC amendments regarding Special Use Permit standards, and an amendment to allow Data Centers in the West End zone district.

PLANNING COMMISSION AND STAFF COMMENTS

In July the BOCC approved a four-month extension for the Genesee Sketch Plan as they are still working on the consultant reports.

10:47 AM Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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AGENDA ITEM 3.a

TITLE:

Review and Recommendation of Section 5-10, Special Uses, to update application requirements and review criteria for uses allowed subject to Special Use Permit review for properties located within the unincorporated San Miguel County / MOTION

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Materials Special Uses LUCA 090822.pdf](#)

Description:

Public Meeting Record

San Miguel County Board of Commissioners

Application: San Miguel County

Amendment to the San Miguel County Land Use Code Section 5-10, Special Uses

Date: September 8, 2022

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated September 8, 2022.
4. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on Wednesday, August 24, 2022.
5. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on Wednesday, September 7, 2022.

AGENCY COMMENTS

6. Email from John Huebner, Senior Planner, to Referral Agencies dated August 20, 2022.

PUBLIC COMMENT

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Amendment to the San Miguel County Land Use Code Section 5-10, Special Uses
DATE: September 8, 2022 [Z:\Applications\2022_Special Uses_LUC Amendment]

Background

Pursuant to LUC Section 5-1802, Amendments to the Land Use Code may be initiated by the County (staff, CPC or BOCC), or by persons who are residents of or own property in San Miguel County. The BOCC has requested that applicants and staff address the cumulative impacts of current and proposed Special Uses during the review process, and to standardize annual review requirements. This LUC Section has not been revised since the original adoption of the LUC Code.

This amendment is intended to add review standards concerning the cumulative impacts of multiple special uses on a single property and of those concentrated in a geographic area. Other revisions are to clarify submission requirements, review standards, and to provide guidance on annual reviews.

Proposed Amendment

The following are proposed Land Use Code amendments to Section 5-10: Special Uses. Proposed new text is underlined. Deletions are shown with ~~strike-through~~.

Section 5-10 Special Uses would be amended as follows:

5-1001 General

This section of the Code establishes the application submittal requirements and review standards to review ~~sSpecial u~~Uses permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare ~~either one-step Planning Commission or Board of County Commission review or two-step special use permit review~~. Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain Special Uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

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

I. All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

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

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements ~~Consistency with Master Plan, Land Use Policies, Zone District and Neighborhood~~

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., communication plan, as applicable;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;

- 2) Grading, drainage and stormwater management plan;
- 3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
- 3) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
- 4) Signage: see Section 5-704 standards;
- 5) Dust control plan;
- 6) A noxious weed control plan;
- 7) Wildlife Plan: see Section 5-407 A.XII.;
- 8) Additional permits as necessary from other agencies.
- 9) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.

II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

- I. a. ~~In Consistent~~ accordance with the County Master Plan;
- II. b. Consistent with County Land Use Policies in Article 2;
- III. c. Consistent with the purpose of the Zone District in which it is proposed to be located;
- ~~IIIIV.~~ Consistent with and C~~ompatible with the Character of the Neighborhood Character of the Parcel.~~ The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood for Development and surrounding land Uses, and mayIt may be an enhancement of the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;
- IV. Necessary for public convenience at the proposed location; and

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

~~5-1002-B~~ VI. Impacts on Surrounding Area

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

VII. Multiple Special Use Permits.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits must be mitigated.

5-1002 C. Public Facilities

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

5-1002 D. Bond Requirement

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

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

~~I. A Site plan including:~~

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

~~b. Driveways, streets and right of way, Access ways, including points~~

- ~~of ingress, egress, parking plan;~~
- ~~c. Recorded and apparent easements;~~
- ~~d. Location and dimensions of Structures and Signs;~~
- ~~e. Typical elevations/Heights of such Buildings;~~
- ~~f. Landscaping;~~
- ~~g. Topography;~~
- ~~h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and~~
- ~~i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;~~
- ~~II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;~~
- ~~III. Signs all Signs must meet Section 5-704 standards;~~
- ~~IV. Water/sewer plan must meet state standards and may include verification of a commercial well permit;~~
- ~~V. Drainage plan;~~
- ~~VI. Grading plan;~~
- ~~VII. Dust control plan;~~
- ~~VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;~~
- ~~IX. Weed control plan that must include use of weed free hay or straw;~~
- ~~X. Wildlife Plan (see Section 5-407 A. XII.); and~~
- ~~XI. Additional permits as necessary from other agencies.~~

5-10032 F. Review Commencement of Approved Special Uses

- I. All approved Special Uses subject to either one-step Planning Commission

or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval.

- a. If the ~~owner~~ permittee has not obtained a Development Permit for the approved Special Use and/or commenced the ~~approved~~ use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use.
- b. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.
- c. Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated.
- d. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application, the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been granted a development permitted and/or commenced, and identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

5-1004 Review of Approved Special Uses

5-1004 A. Annual Review.

- I. An annual review by the designated review body shall be held one (1) year after the date of approval or amendment of a Special Use Permit.
- II. Prior to the annual review, notice will be provide to the neighbors and individuals who have commented on the Special Use Permit application.
- III. The review body 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 Special Use permit in the future.

5-1004 B. Extension of Approvals.

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

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

5-1004 C. Discontinued or Abandoned Use.

If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be considered to be no longer in effect ~~subject to review initiated by the County. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review and Approval of Special Uses set forth in Land Use Code Section 5-1002 F. I.~~ If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review prior to resumption in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review of Approved Special Uses set forth in 5-10032~~2~~ F. I.

5-10035 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved Special Uses and Special Use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-10035 A. Standards

As requirements for approval, the proposed activity shall not:

- I. Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;
- II. Violate any Land Use Code standard;
- III. Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and
- IV. Increase the floor area of the use by more than two (2) percent or decrease the open space on the site by more than three (3) percent.

5-10056

Violations

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

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5-1004~~7~~ Standards for Golf Courses in all Zone Districts

In addition to complying with all the standards for Special Uses in Section 5-1001 to 5-1006, golf courses shall also comply with the standards in this section.

Prior to Planning Commission and BOCC Conceptual Work Session, a written statement of the following is required (conceptual shall mean description of the projects look and feel prior to detailed information. A Conceptual Work Session does not constitute an approval, either preliminary or final, of the proposal):

- Familiarize yourself with all standards of Sections 5-319 K. (WM Zone), 5-10~~307~~ (F Zone), 5-10 (Special Uses), and 5-1004~~7~~
- Conceptual Site statement that shows the proposed location and general layout of the golf course and any structures, including clubhouses
- Conceptual design statement for management of storm water runoff and water quality, percentage of cleared area proposed for all development during construction and after completion
- Conceptual grading statement showing topography
- Conceptual design statement of irrigation, drainage and retention systems that provide for efficient use of water
- Conceptual clearing and landscaping statement
- Description of sewage disposal and water supply
- Conceptual wildlife inventory and management statement
- Existing conditions statement including location of streams, ponds, wetlands, 100-year floodplain, topography with slopes differentiated, existing land cover, significant plant and/or animal habitat
- Conceptual management statement with a monitoring schedule for water quality, quantity, wetland health and wildlife preservation
- Conceptual affordable housing mitigation statement
- Identify the land uses on the surrounding adjacent parcels
Required prior to Planning Commission Review
- Affordable housing mitigation plan
- Traffic analysis
- Air quality plan
- Final wildlife review and mitigation and monitoring plan
- 1041 Geohazard Review and Soils Report
- U.S. Army Corps permits
- Final management plan with a monitoring schedule for water quality
- Final management plan with monitoring schedule for wildlife preservation
- Final management plan with monitoring schedule for pests and weeds, including chemical & pesticide use
- Outdoor lighting plan, including location and time of use. All exterior lighting shall comply with the standards of Section 5-710;
- Final Site Plan, including parking plan and location of all structures
- Physical and legal adequate water rights must be demonstrated (water use must not deplete minimum in stream flows), but need not have final approval by the Colorado

Division of Water Resources

- Design of irrigation, drainage and retention systems that provide for efficient use of water
 - Final operating plan which should include days and hours of operation, months of the year, number of golfers to be accommodated at peak times, number of employees
- County and State Permits that must be acquired prior to Board of Commissioner Review:
- Certification of state Storm Water Management Plan
 - Engineering for roads and structures (Refer to Section 5-5 for requirements)
 - Final Grading Plan including detail for each hole and fairway and contour intervals
 - Engineer Sewage Disposal Plan prepared by a registered Colorado Professional Engineer
 - Dust Suppression Plan (State Permit if required)

5-1004⁷ A. Purpose

The purpose of this section is to provide standards that ensure that golf courses in San Miguel County will not be situated in environmentally sensitive areas (as defined in Article VI), will have adequate water supplies, and will be held to the highest environmental standards. Golf courses should not negatively affect wildlife habitat areas and should blend into the natural environment. Courses shall use water conservation methods that protect water quality and quantity, drought tolerant grasses and strive to use integrated pest management and integrated weed management practices. Golf courses are encouraged to provide public recreation besides golf (e.g. walking, roller blading and/or Nordic ski trails).

Golf course related uses that are not for the benefit of nor primarily serve the purpose of the golf course users, shall not be reviewed through this golf course Special Use permit process, but through a separate process (e.g. conference centers, restaurants, swimming pools, tennis courts).

Potential golf course sites should be analyzed for suitability prior to an application being submitted. Potential sites may not be suitable for golf courses without mitigation if:

- I. wetlands or other sensitive species (as defined by the Colorado Parks and Wildlife or the Colorado Heritage Program) would be disturbed or adversely affected on site or downstream;
- II. water pollution on site or off site is unavoidable;
- III. the proposed development would adversely affect Critical Wildlife Habitat areas; or
- IV. compatibility with the neighborhood is not demonstrated.

5-1004⁷ B. Preservation of existing vegetation and important trees

- I. Existing Vegetation:

- a. An area equal to at least 60 percent of that disturbed by the golf course construction shall be preserved as passive open space (or improved to its native conditions), calculated by the area of disturbance for all fairway, hole and green construction along with club house and cart path construction (example: if 100 acres is disturbed for the golf course, 60 acres outside of the golf course disturbance must be preserved as open space for a total 160 acres);
- b. The undisturbed area shall include wetlands, natural drainages, steep hillsides, important wildlife habitat and other environmentally sensitive areas identified under other sections of the Land Use Code;
- c. The open space acreage is to be contiguous wherever possible and provide a buffer between the golf course and environmentally sensitive areas;
- d. The undisturbed area is to be identified on the construction drawings and flagged in the field prior to construction to prevent accidental disturbance; and
- e. The proposed development shall, maintain the existing topography to the extent feasible.

II. Important Trees:

- a. Conservation of healthy, vigorous and diverse tree groupings containing aspen, ponderosa pine, cottonwoods or spruce is required;
- b. All spruce and pines over 12-inch diameter, measured at a point 1-foot from the ground, shall be preserved within their existing grouping equivalent to 50-feet in all directions. (The County may make exceptions if the specimen tree is diseased or compromised by other natural conditions); and
- c. In the event that a tree is not preserved due to hardship, a replacement tree of the same or similar species, or several replacement trees, shall be planted, such that the total diameter of the replacement tree(s) equals the diameter of the tree that was removed. All replacement trees must have a minimum caliper of 4-inches and be planted within preserved passive open space areas.

5-10047 C. Preservation of wetland, riparian and natural drainage areas

All proposed development shall conform to County requirements (Section 5-22) for Wetland Areas.

- I. A permanent untouched vegetative buffer shall be provided between all golf course construction and any wetland, riparian area or natural drainage;
- II. A buffer strip will be 100-foot in width unless important habitat or species are identified, in which case the buffer strip will be increased to 250-feet in width;
- III. No direct drainage from developed areas to wetland or riparian areas shall be permitted; drainage to these areas shall be in a manner that will prevent point discharge and promote sheet flows;
- IV. Wetland and stream crossings should be avoided. If unavoidable, bridges should be spaced no closer than 1,000 feet and span over streams and wetlands; and
- V. Irrigation wells and/or ponds constructed for irrigation water supply or as hazards shall not be located in streams or wetlands.

5-1004⁷ D. Protection of wildlife habitat areas and fish habitat

All proposed development shall conform to County requirements (Section 5-407) for Wildlife Habitat Areas.

Prior to design, the applicant shall consult with the Colorado Parks and Wildlife to delineate important wildlife habitat, including but not limited to migratory routes, production areas, winter range, nesting areas, forage areas, fish habitat and the presence of species of special concern.

5-1004⁷ E. Protection of surface and groundwater quality

- I. The applicant shall identify all natural drainage channels (see Appendix I) and areas of seasonally high groundwater less than 10-feet from the surface;
- II. Tees, greens and ponds shall not be located in areas of seasonally high groundwater unless measures are taken to prevent groundwater contamination (such as using an impermeable liner);
- III. Recapture of irrigation water for reuse is encouraged to minimize usage and prevent contaminants reaching waterways; recaptured water shall be stored in a lined pond;
- IV. Baseline water quality, see Appendix I, (including thermal data) for shallow groundwater and adjacent surface waters shall be obtained from existing data or a monitoring program one year prior to construction as described in the Golf Course Standards Appendix;

- V. Where golf course improvements are within 100 feet of residential drinking wells, the applicant must conduct water quality tests prior to development and continue monitoring annually for nitrates and any chemicals used on the course;
- VI. A certified State Storm Water Management Plan (SWMP) shall be provided;
- VII. All vehicle and equipment maintenance areas and chemical storage facilities shall be paved and surface runoff contained for appropriate disposal; and
- VIII. Water quality monitoring, through an approved water quality management and monitoring plan, as described in Appendix I, is to be provided each year to the County.

5-1004~~7~~⁷ F. Water conservation

- I. Turf grass shall be selected to utilize drought tolerant, pest and disease resistant species;
- II. Turf areas and fairway widths shall be minimized and native vegetation retained in adjacent areas;
- III. Irrigated areas shall be limited to fairways, tees and greens and immediate clubhouse surroundings, and shall not exceed 100 acres for the total golf course development; and
- IV. A pressurized computer controlled irrigation system shall be constructed for all irrigated areas with soil moisture detection capabilities to ensure efficient application of irrigation waters.

5-1004~~7~~⁴ G. Control of erosion and sediment transport

- I. Slopes in excess of 30 percent shall be delineated on the engineering drawings. Any development on slopes greater than 30 percent shall comply with Section 5-404 E. No construction or grading shall take place on slopes in excess of 50 percent;
- II. The area of disturbance (exposed soils) shall be limited to a maximum of 20-acres at any one time until temporarily stabilized; disturbed areas shall be considered temporarily stabilized when mulch and vegetation coverage is in place that will prevent surface erosion; permanent vegetation shall be established within 60 days of the start of initial grading; and
- III. A proportional amount of the construction bond may be withheld if areas

are not permanently stabilized.

5-1004⁷ H. Pest management, fertilizers, and weed control

- I. Applicant must submit an initial pest and weed control plan that minimizes chemical use and emphasizes drought and disease resistant grass species; biological controls must be used when available (a list of permitted and/or prohibited pesticides, insecticides, fertilizers and other chemicals will be available from the County Environmental Health Department);
- II. Fertilizers to be used on the site must be proven to not leach from the subsoil layer;
- III. Chemicals must be specified and submitted to the County for review and approval;
- IV. Chemical plan must minimize use of chemicals and their effects on the environment; and
- V. A pest and weed plan shall be established, including pesticide selection and screening of materials to be used and avoided at the golf course. The plan shall also include local problems and treatment methods including disease control, insect control and weed control. The plan shall include the following:
 - a. monitoring of potential pest populations
 - b. determining injury level
 - c. developing and integrating biological, cultural and chemical control strategies that ensures protection of water quality and long term monitoring
 - d. educating golf course personnel on biological and chemical control strategies
 - e. timing and spot treatment preferences using chemical, biological and cultural methods
 - f. evaluating results on an ongoing basis and annual updating of the plan
 - g. a chemical safety program including storage, handling and application considerations as well as disposal. A pesticide application and storage record shall be kept by the person in charge of the pesticide program and shall be available to the County and

posted for public review at the treatment area for a time in accordance with manufacturer's recommendations

- h. establish a spill prevention and response plan and provide a method for prevention, training and containment of pesticides and other chemicals
- i. evaluation of long-term use of pesticides on water quality

5-1004~~7~~ I. Long term management and monitoring program

- I. All management and monitoring plans as described in this section shall be approved by the Board of Commissioners and shall include an agreed upon process and person or agency to conduct the monitoring;
- II. The County shall have the right to access the property to obtain water samples as necessary to be analyzed at the applicant's expense;
- III. Residential well monitoring, if necessary, shall be submitted to the County for annual review;
- IV. Pest, fertilizer, and weed monitoring plans shall be submitted, and yearly evaluations and updates shall be provided to the County;
- V. A wildlife monitoring plan must be approved by and submitted to the County and results provided to the County annually; and
- VI. An on-going water quality-monitoring plan shall be submitted and implemented to measure the impact of the construction activities and long-term golf course operations. Monitoring reports will be submitted annually to the County during construction and for three years from the start of full golf course operation, and then as requested by the County; such reports will also include an on-going water monitoring plan that monitors water quality and quantity before and after each season, for each stream entering and leaving the property.

5-1004~~7~~ J. Multi-use of open space

- I. Multi-use recreational opportunities are encouraged in development of golf courses; such uses shall be monitored for resource damage and uses restricted as necessary to protect natural resources; and
- II. The playing areas may be used for development of groomed Nordic ski trails during winter months with limited clubhouse operation allowed to support this activity with Colorado Parks and Wildlife approval.

5-1004⁷ K. Waste management

- I. All grass clippings and organic waste shall be composted on site and the resultant compost reused;
- II. A composting site shall be identified with procedures to ensure the composting eliminates weed seeds and promotes a healthy compost product;
- III. No on-site dumping, burial or burning of waste shall be allowed; and Composting and waste storage facilities shall be located so runoff from these facilities will not reach any drainage structures, natural drainages or environmentally sensitive areas including designated buffer strips.

5-1004⁷ L. Air Quality

- I. No on-site burning of waste and/or vegetation shall be allowed; and
- II. For initial construction activities and reconstruction activities, adequate dust control, approved by the County Environmental Health Director, shall be provided.

5-1004⁷ M. Design

All proposed development shall conform to County requirements (Section 5- 4 and 5 - 21) for Areas of Local and State Interest and Scenic Quality.

- I. A Site Plan that includes location of tees, greens, fairways, driving range and practice green, golf cart path, ponds, irrigation wells and roads and plans for removal and addition of vegetation must be submitted during the preliminary work session;
- II. A Site Plan for Clubhouse lot must be submitted that includes but is not limited to: building sizes and height, uses accessory to the primary golf course use (restaurant, bar, pro shop, gym), roads, parking lots, lighting, employee housing (number of employees for clubhouse and golf course), maintenance facilities, outdoor restaurant seating areas, outdoor storage of equipment;
- III. Equipment storage and maintenance areas shall be screened from adjacent residential units and public roads; and
- IV. No lighting for nighttime use shall be permitted on golf course, practice green or driving range; an outdoor lighting plan, including location and time of use, shall be submitted and approved by the County.

5-1004⁷ N. Financial Security for Required Environmental Remediation

- I. Applicant shall provide adequate financial security, in a form and amount acceptable to the Board of County Commissioners (BOCC), to guarantee that sufficient funds are available to the county for the cost of any required revegetation, soil stabilization, and erosion controls. The amount of such financial security shall be determined based upon a cost estimate prepared by a qualified professional acceptable to the county and subject to the County Environmental Health Department's review and approval. Such financial security shall remain in effect for a period of time after completion of the development as specified in the project approval. Financial security for any required environmental remediation may be eligible for release by the BOCC, in whole or in part, upon the Environmental Health Department's written determination that such security is no longer required, in whole or in part, to guarantee satisfactory completion of revegetation, soil stabilization, and/or erosion controls. The County may draw upon such financial security, in whole or in part, should the BOCC find and determine that the revegetation, soil stabilization, and/or erosion control requirements have not been satisfied within the specified time period.
- II. The applicant will be responsible for paying a fee to be determined by the Board of County Commissioners that covers the cost of all monitoring as detailed in Section 5-1004⁷ I, during construction and for a predetermined amount of time following construction.

~~5-1005~~ ~~Violations~~ (*Moved within section to 5-1006*)

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

Public Noticing

A Notice of Public Hearing has been published in the Telluride Daily Planet and Norwood Post on August 24, 2022. The meeting agenda has been published in the Telluride Daily Planet and Norwood Post on September 7, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the County Attorney; County Manager; County Road and Bridge Director; County Government Affairs and Natural Resources Director; County Building Official; Town of Telluride; Town of Mountain Village; Town of Norwood; Town of Ophir; and Town of Sawpit.

No responses have been received.

Public Comments

No public comments have been received.

Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "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." This amendment was initiated by the County Planning Director.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code." The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

1-402 Implement Policies

To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process

To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare

To protect the health, safety and public welfare of San Miguel County.

Sample Motion:

I move to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 5-10, Special Uses to enumerate submission requirements, mitigation of cumulative impacts, and annual reviews; and to clarify review criteria and processes, 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.

Please publish the following Legal **PUBLIC HEARING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, AUGUST 24, 2022

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

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A public meeting on the above proposal will be held by the San Miguel County Planning Commission at 9:15 AM September 8, 2022. This meeting will be held online. To provide comment or ask questions regarding the proposed amendment, please join the meeting at <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277, audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments may not receive complete consideration if not received by August 31, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435, or email to planning@sanmiguelcountyco.gov. For more information on this proposed amendment, please call the Planning Department at (970) 728-3083.

Legal Notices

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission (CPC) has been asked to consider a Land Use Code (LUC) amendment to Section 5-320 West End (WE), to include Data Centers for uses allowed subject to Special Use Permit review for properties located within the unincorporated County. The proposed amendment was initiated by county Planning staff. A complete copy of the proposed amendment can be accessed on the Planning Department page of the County website at www.sanmiguelcountyco.gov. The proposed LUC amendment requires Two-step CPC review and recommendation and Board of County Commissioners review pursuant to Land Use Code Section 3-601 D. Land Use Code Amendments. This is the first step of a Two-step process.

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CHALK BOARD

CHALK BOARD, from page 1

TRI-COUNTY HEALTH NETWORK: Help with health insurance, Medicaid and CHP+ available. Call 708-7096 for more information.

UNCOMPAHGRE MEDICAL CENTER: Health Insurance, Medicaid, CICP Assistance, call Cindy or Sarah at 327-4233.

TRUE NORTH YOUTH PROGRAM: Resume building, essay editing, academic, college and career support on Thursdays, 9 a.m. to 1 p.m. at Norwood High School.

LOG CABIN MUSEUM: open Fridays and Saturdays from 11 a.m. to 3 p.m. or by appointment, call Barbara Youngblood at 327-4400.

LONE CONE LIBRARY: Open to the public. Now offering programs for all ages, including Friday programs; Storytime for Littles 10:30-11:15 a.m. and Library Club noon-1:30 p.m. For a complete listing please visit loneconelibrary.org and click calendar for a full list of programs and events. Information also available on Lone Cone Library Facebook page or by email at staff@loneconelibrary.org.

NATURITA COMMUNITY LIBRARY: For library information, hours and other youth programs, call 970-787-2270 or visit the Naturita Community Library Facebook page.

MEDICAL SHUTTLE: Medical shuttle available for all. Sponsored by the Tri-County Health Network and operated by All Points Transit. Shuttle to Montrose and Grand Junction for medical and dental appointments is \$5. All other appointments/errands, \$10. The only requirement is that riders have a scheduled appointment. Visit tchnetwork.org/regional-medical-shuttle/ more info or call All Points Transit at 970-249-0128 to reserve a seat.

DAILY SHUTTLE: The Galloping Goose. Call 728-5700 or visit telluride-co.gov/index.aspx?NID=254.

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SMART: Expanded Telluride and Norwood service, beginning May 26. Monday-Friday, SMART will be adding the following services:

- A trip from Telluride to Norwood at 9:45 a.m.
- A trip from Norwood to Telluride at 11:00 a.m.
- A trip from Telluride to Norwood at 11:30 p.m.

The new trips will include stops at Two Rivers and the Lawson Hill Park & Ride.

An early morning trip, three additional midday trips and one additional evening trip will serve Lawson Hill.

The Nucla/Naturita Norwood bus will also make a quick stop at the Lawson Hill Park & Ride to allow people who work in the Lawson Hill commercial area to catch a ride to and from Norwood without needing to call ahead or ride into Telluride to pick up the Norwood bus.

The Nucla/Naturita bus will be leaving Nucla and stops along the way five minutes earlier. The Down Valley bus will also be stopping at the Lawson Hill Park & Ride.

SAN MIGUEL/WEST MONTROSE COUNTIES COLORADO STATE UNIVERSITY EXTENSION: For registration and info for all classes and events, including 4-H, call 970-327-4393, visit <http://sanmiguel.extension.colostate.edu> or email maryw@sanmiguelcountyco.gov.

NORWOOD DARK SKY ADVOCATES: Keeping the stars bright by reducing light pollution with smart lighting and promoting astronomy through astronomical opportunities. Visit www.colorado.edu/norwoodstars/ or contact grossman@colorado.edu or woody@pinonwoodranch.com for more information.

SENIOR COMMUNITY MEALS: Luncheons; Monday, Tuesday and Thursday; noon; Norwood Community Center. See menu calendar at NCC or call Volunteers of America at 970-835-8028 for info or to schedule home delivery. Suggested donations for 60 and over is \$3.50 (spouse also), under 60, \$11.

MONTROSE MEMORIAL HOSPITAL SUPPORT GROUPS: For information or transportation arrangements, call 252-2996.

ECOACTION PARTNERS: For more information email heather@ecoactionpartners.org, visit ecoactionpartners.org or call 728-1340.

NORWOOD COMMUNITY GARDEN: Located at the corner of Summit and Mesa streets (west of the U.S. Forest Service building). See norwoodcogarden.org or visit on Facebook.

HABITAT FOR HUMANITY OF THE SAN JUANS: Call 970.252.9303 for information or volunteer opportunities, and visit buildinglives.org. Accepting donations of house-hold items and construction materials, Tuesday-Saturday 9 a.m.-5 p.m.

TELLURIDE ELKS LODGE: For info on meetings and events, email elkugly@yahoo.com, call 728-6362 or visit elks.org.

RECIPE

School lunches that are ready to roll: Ideas for great wraps

By KATIE WORKMAN
The Associated Press

There is little debate that the sandwich is the mainstay of most kids’ lunches; two slices of bread with anything they might consume layered in between. Wraps, however, have also taken their place in the pantheon of sandwich possibilities, and sometimes the mere novelty of a rolled-up sandwich instead of a square one might entice a kid to try something different inside it.

At the very least, it might make an old favorite new again.

You can leave wraps whole, in one big tube-like piece, slice them in half on the diagonal, or slice them into several 1- to 2-inch pieces. The smaller pieces make great snacks, too.

Plain old flour tortillas are fine, or look for packages labeled “wraps,” which are often thinner and more pliable (e.g. less apt to crack). Changing up the wraps — spinach, sundried tomato basil, garlic herb, jalapeno cheese, garden vegetable, whole grain, white — allows you to create different and attractive sandwiches every day of the week. There are gluten-free wraps as well.

Talk about a great way to get kids engaged in thinking about new things to eat for lunch. Lay a wrap on the table, open the fridge door and let them get creative.

WHAT GOES INSIDE

1) Once you’ve chosen the wrapper, pick a spread or condiment that will go with your main filling. Mayo, mustards, chutneys, relishes or jams, hummus, barbecue sauce, hoisin sauce, plain Greek yogurt, salsa, pestos of all flavors — maybe there’s even a leftover dip or crostini spread lurking in the fridge that holds appeal.

2) Get creative with fillings including sliced meats (turkey, ham, salami, soppressata, prosciutto, buffalo chicken, etc.), cheeses (cheddar, provolone, American, Monterey Jack, Pepper Jack, brie, etc.), smoked salmon, refried or cooked beans, or tuna fish. Any leftovers are fair game: steak, chicken, pork, fish, shrimp, tofu — whatever you have that can be sliced or chopped into a rollable sandwich filling.

3) The extras: shredded lettuce or cabbage, chopped tomatoes, sliced olives and pickles,

jalapeños, fresh herbs, slivered onions or bell peppers, roasted peppers, avocado, sprouts, thinly sliced cucumbers, mushrooms.

In some cases, fruit is also welcome, such as thinly sliced or chopped apples or pears, or maybe some chopped dried fruit. Shelled sunflower seeds, pumpkin seeds, nuts and granola can add some crunch. (Pay attention to school rules about allergens.)

Don’t forget salt and pepper, if appropriate, or another seasoning.

WRAP TECHNIQUE

Don’t overfill your wrap or it won’t close. Just layer up everything on about ¾ of the wrap, leaving 1/4 empty, and also leave a little space around the edges for things to squish into when you roll it up.

On the edge of the ¼ area with no filling, put a smear of condiment, like mustard or mayo, and then as you start rolling, begin with the filled side closest to you, rolling towards the empty edge. The filling will slide into the empty space a bit, ideally leaving you with enough room so the condiment at the edge will help seal up the wrap as you finish rolling.

ONE TO TRY

Finally, a “recipe” for Maple Turkey and Bacon Wrap to get you rolling!
2 10-inch wraps or tortillas
4 to 6 thin slices honey maple turkey
2 slices cooked bacon
4 slices avocado (optional)

2 slices Swiss or Cheddar cheese
2 large leaves romaine lettuce, ripped into pieces
Honey mustard

Place the tortillas on the counter. Layer half the turkey over each tortilla, leaving about ¼ of the tortilla on the side farthest away from you empty. Place the bacon and

avocado slices (if using) across the turkey, parallel to the empty quarter of the tortilla, and place the slice of cheese on top. Cover the cheese with the lettuce. Drizzle a bit of honey mustard, and put a smear of it on the empty section of the tortilla, right at the edge. Starting with the edge of the tortilla closest to you, roll up the wrap, using the honey mustard to seal it. Cut in half or as desired.



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Legal Notices

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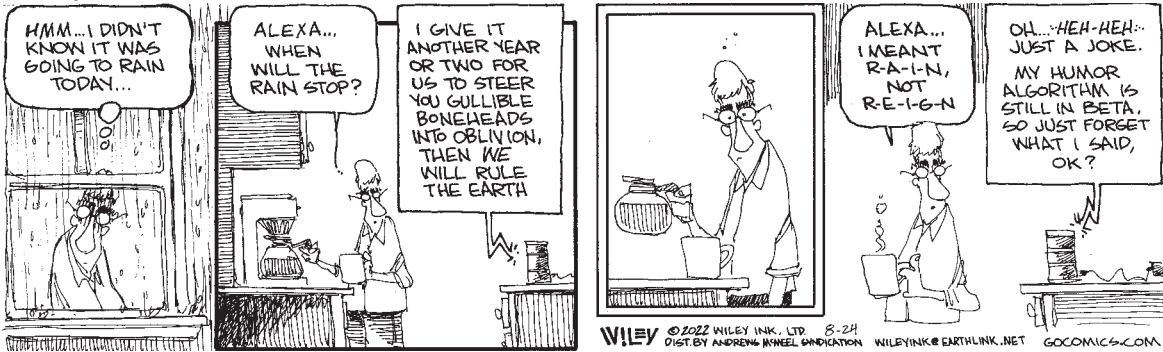
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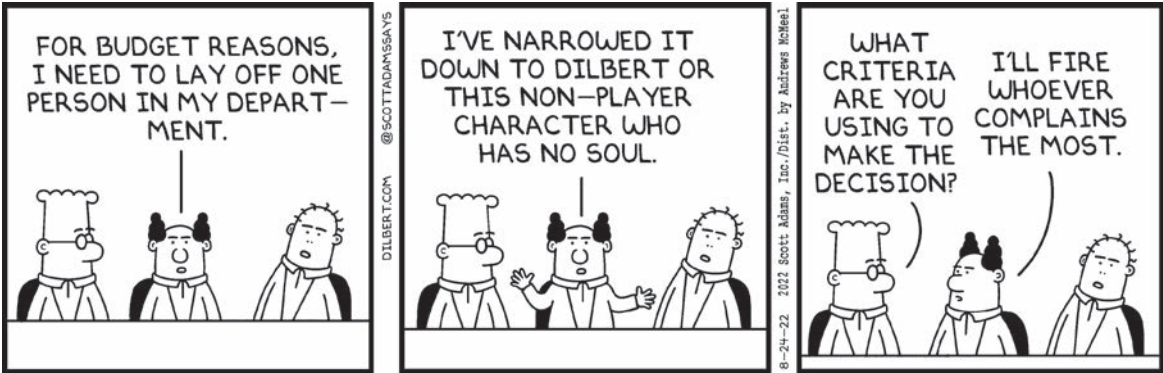
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NON-SEQUITUR: WILEY MILLER



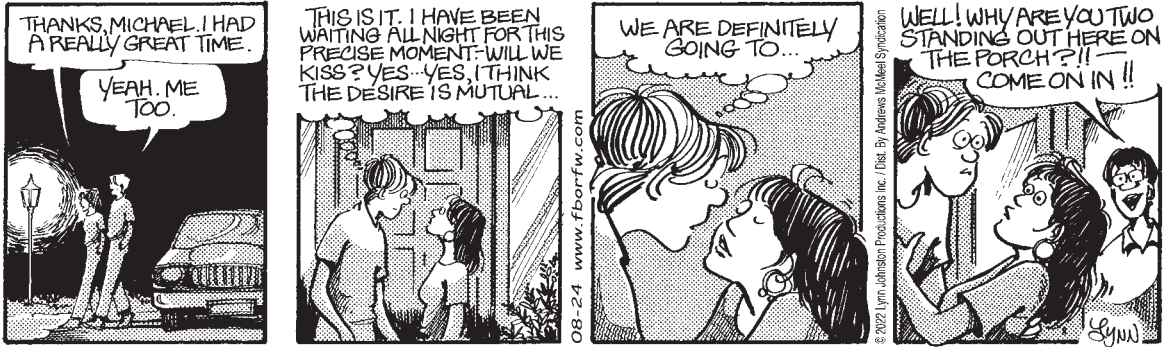
DILBERT: SCOTT ADAMS



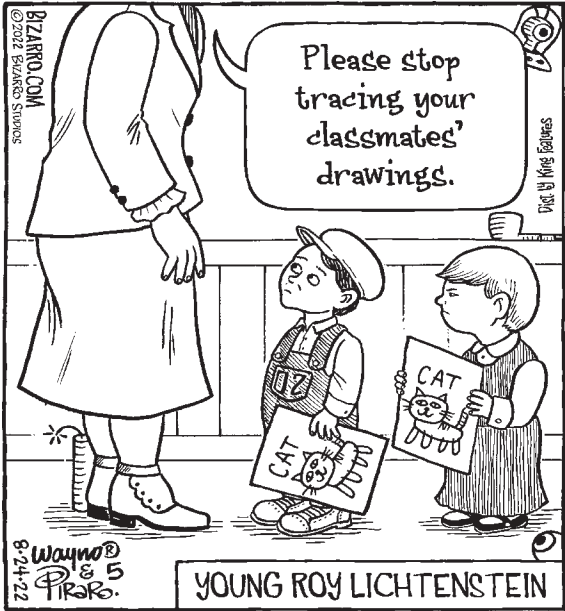
MONTY: JIM MEDDICK



FOR BETTER OR FOR WORSE: LYNN JOHNSTON



BIZARRO: DAN PIRARO



CLOSE TO HOME: JOHN MCPHERSON



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	2	6		8	1			
		4		6				
	3		9	5			2	
3		5			2			
9				1				8
		6			5			3
	7			2	4		3	
				9		1		
			7	3		8	9	

UNIVERSAL SUDOKU

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.
Difficulty rating: 3
Previous puzzle solution:

4	7	8	6	1	2	3	9	5
5	9	2	7	4	3	8	1	6
1	6	3	9	8	5	2	7	4
7	8	4	1	5	9	6	2	3
2	5	6	4	3	7	9	8	1
9	3	1	2	6	8	5	4	7
8	1	9	5	7	6	4	3	2
3	4	5	8	2	1	7	6	9
6	2	7	3	9	4	1	5	8

Please publish the following Legal Ad in the:

**NORWOOD POST AND TELLURIDE DAILY PLANET on WEDNESDAY
SEPTEMBER 7, 2022**

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435



COUNTY PLANNING COMMISSION

**THURSDAY, SEPTEMBER 8, 2022 – 9:00 AM
333 W Colorado Avenue, 2nd Floor**

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

1. **9:00 A.M. CALL TO ORDER**
2. **APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS**
3. **LAND USE CODE AMENDMENT RECOMMENDATION**
 - a. Review and Recommendation of Section 5-10, Special Uses, to update application requirements and review criteria for uses allowed subject to Special Use Permit review for properties located within the unincorporated San Miguel County / MOTION
 - b. Review and Recommendation of Land Use Code Section 5-320 West End (WE), to include Data Centers as uses allowed subject to Special Use Permit review for property located within the unincorporated County / MOTION
4. **WORKSESSION:**
 - a. Discussion of Telluride Regional Master Plan
5. **ADJOURN**

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083. If special accommodations are necessary per ADA, contact 970-728-3844, via

email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, 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, or to view meeting packets. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.



John Huebner <johnh@sanmiguelcountyco.gov>

Agency Referral: San Miguel County SPECIAL USES LUC Amendment

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Wed, Aug 10, 2022 at 12:49 PM

To: James Van Hooser <jamesv@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Phil Taylor <ptaylor@telluride-co.gov>, Ron Quarles <rquarles@telluride-co.gov>, pwisor@mtnvillage.org, Michelle Haynes <mhaynes@mtnvillage.org>, John Wontrobski <manager@ophir.us>, Mike Kimball <michaelnjoyce@msn.com>

Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>

All,

Please find attached draft Section 5-10 SPECIAL USES Amendment to the San Miguel County Land Use Code. Thank you for reviewing the draft amendment and providing your comments.

The Planning Department requests that you please provide your review comments by August 31 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov.

The Code Amendment is scheduled for review and recommendation by the Planning Commission on September 8. The Board of County Commissioner review date TBD. Regards,

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



Section 5_10 Special Uses DRAFT 8.10.22.pdf
236K



AGENDA ITEM 3.b

TITLE:

Review and Recommendation of Land Use Code Section 5-320 West End (WE), to include Data Centers as uses allowed subject to Special Use Permit review for property located within the unincorporated County / MOTION

Presented by:

Time needed:

PREPARED BY:

Troy Hangen, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[Packet CPC 9-8-2022.pdf](#)

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Amendment to the San Miguel County Land Use Code Section 3-101
Development Permits and 5-320 West End (WE) to allow Data Centers

Date: September 9, 2022

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)
3. Memorandum to the San Miguel County Planning Commission from Troy Hangen, Senior Planner, dated September 9, 2022

AGENCY COMMENTS

4. Agency Referral email dated August 12, 2022
5. Email from Gregory Powers, Division of Water Resources, dated August 12, 2022
6. Email from Mike Bordogna, County Manager, dated August 12, 2022
7. Hardcopy comments from Amy Markwell, County Attorney, received August 18, 2022

PUBLIC COMMENT

None

OTHER

None

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Troy Hangen, Senior Planner
RE: Amendment to the San Miguel County Land Use Code Section 3-101
Development Permits and 5-320 West End (WE) To Allow Data Centers
DATE: September 8, 2022
[Z:\Applications\2022_Data Center LUC Amendment\1 Staff Memo(s) and Resolution(s)]

Background

The Board of County Commissioners (BOCC) has directed staff to prepare the proposed amendment pursuant to LUC Section 5-1802, Amendments to the Land Use Code may be initiated by the County (staff, CPC or BOCC), or by persons who are residents of or own property in San Miguel County. Data Centers are being established across the United States and staff has been reviewing the Land Use Code to determine where/if such facilities would best fit in the unincorporated area of San Miguel County. Data Centers (sometimes called crypto mines) are facilities that centralize an organization's shared IT operations and equipment for the purposes of storing, processing, and disseminating data and applications. Key concerns include power and water usage and noise.

The West End (WE) zone district encompasses almost half of the land of San Miguel County broadly characterized as rural and ranchland with little vegetation and moisture. Multiple powerlines and sub stations travel through the West End zone district.

Proposed Amendment

The proposed Land Use Code amendment would allow Data Centers in the West End (WE) zone district. Land Use Code amendments are permitted pursuant to a Two-step Review per Section 3-601 D. of the San Miguel County Land Use Code. The amendment includes a proposed definition; based on definitions found via multiple dictionary based websites and multiple "tech" websites. The use would be subject to a Two-step Special Use Permit with a County Planning Commission recommendation and approval by the Board of County Commissioners. The proposed amendment is as follows: Proposed new text is underlined. Deletions are shown by ~~strike through~~.

3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, and Oil and Gas Development pursuant to Section 5-26) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J and Oil and Gas Development pursuant to Section 5-26. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the

proposed development.

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. 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 F. Uses Allowed Subject to Two-Step Planning Commission and Board of Commissioners Special Use Permit Review.

XVIII. Data Centers (refer to Section 5-320 J) with accessory renewable energy generation

5-320 J. Data Centers

I. Development standards:

a. Minimum Parcel Size: thirty-five (35) acres.

b. Setbacks:

i. Fifty (50) feet from all property lines

ii. Five hundred (500) feet from residences.

c. Location: Data Centers shall be within either the Egnar-Slickrock Fire Protection District or Norwood Fire Protection District.

d. Noise: Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

e. Screening: All equipment, including but not limited to cooling and

ventilation equipment, transformers, and generators, shall be fully screened. This requirement may be modified if site topography effectively screens the view of the facility.

- f. Structures: Facilities shall be located within buildings. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is prohibited.
- g. Electronic waste: There shall be no expired or unused electronics or equipment stored on the site.

5-320 J.

II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:

- a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids. Net zero emissions means the facility must offset the energy it uses from the grid with an approximately equal amount of renewable energy generated on-site. The Data Center facility must establish that the development will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. The data center shall not burden the existing local or regional grid.
 - i. The application shall include all substations and infrastructure upgrades necessary for construction and operation of the facility.
 - ii. Adequate capacity shall be available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the area power provider. Utility supply equipment and related electrical infrastructure shall be sufficiently sized and shall safely accommodate the proposed use. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
 - iii. All power lines shall be installed underground.
- b. Water: Except for facilities for the use by onsite workers during work shifts or onsite workers who live on property, the Data Center

shall be a non-consumptive in its water use and will have no effect on water resources in the area. Water shall not be used for the cooling of equipment.

- c. Fire Suppression. Due to limited firefighting resources in the West End zone district, a fire suppression plan shall be provided, including a list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard.
- d. Wildfire Mitigation: To reduce the risk of potential wildfire-causing ignition associated with the Data Center and its infrastructure, a Wildfire Mitigation Plan shall be provided, addressing wildfire prevention, fuel reduction, fire suppression methods, fire safety, and mitigation measures to ensure that any fire at the facility does not spread.
- e. Noise and Vibration. A sound and vibration impact analysis shall be submitted, establishing an ambient noise baseline and demonstrating how noise and vibration levels are being mitigated to minimize impacts on neighboring uses and on wildlife. The analysis shall include detailed information concerning all activity, equipment and machinery associated with use, sound and vibration levels resulting from such activity, equipment machinery, as well as all measures, including but not limited to those of a structural and/or non-structural nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affecting neighboring properties or wildlife.
- f. Natural Environment: The Data Center and all related infrastructure shall be designed to mitigate impacts on wildlife, plants, and other elements of the natural environment. A wildlife impact report shall be required and shall address noise, migration routes, critical winter range, fencing, and other potential impacts. A natural resources report identifying sensitive plants, invertebrates, soils and any other resources shall be prepared. All reports shall be prepared by qualified biologists.

5-320 JK. General Development Guidelines for all uses

- I. All uses must conform to the state health and sanitation requirements regarding potable water supply and sewage disposal;

- II. Before issuing a special use permit for any land use change adjoining or affecting agricultural lands, assurance must be established that adequate provisions are included that minimize or eliminate impacts on agricultural lands, including compliance with the following guidelines:
 - a. Fences shall be constructed to separate development from adjoining agricultural lands or stock drives. Both new and existing fences shall be properly maintained and repaired. Notification of the lot owner's duty to maintain such fences shall be provided on subdivision plats
 - b. Where irrigation ditches cross or adjoin land proposed to be developed, adequate provisions shall be made to insure that the use of such ditches, including the maintenance thereof, can continue uninterruptedly; and
 - c. Existing historical easements utilized to gain access to ditches, head gates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of the historic use.
- III. In addition, local landowners recognize that the cooperative existence between landowners and wildlife is a way of life. To assure the preservation of both farmers/ranchers and wildlife, the Colorado Parks and Wildlife is encouraged to maintain reasonable herd populations.
- IV. In order to provide emergency services to residents, the assignment of an official address by the County Addressing Official according to the Standards in Appendix B is required for all permanent structures or habitable locations where a person might reside or work, subject to the discretion of the Addressing Official. A permanent driveway is required for the assignment of an address. If accessed directly from a County-maintained road, a Driveway Permit from the County Road and Bridge Department will be required. If accessed directly from a State highway, an access permit from the Colorado Department of Transportation will be required. The posting of a standardized address number sign according to the Standards is required to aid in timely emergency response.

5-320 ~~KL~~ Review Standards for all WE Zone District Special Uses

All special uses shall:

- I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;
- II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land

uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;

- III. Be designed, located and operated so that the public health, safety and welfare will be protected;
- IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;
- V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;
- VI. Not substantially adversely affect agriculture or ranching operations and residences;
- VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and
- VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.

Article 6 Definitions would be amended to add the following:

Data Center - A facility containing networked computers, servers, storage systems and computing infrastructure that organizations used for the storage, processing or distribution of large amounts of data. Data Centers may be collocated within the organization or entity that owns or manages the data, or may be a remote facility used for cloud computing and storage, or may be used for the processing of cryptocurrency transactions. Data Centers may also be referred to as server farms, data storage centers, or crypto mines.

Public Noticing

The meeting agenda has been published in the Telluride Daily Planet and Norwood Post on August 24, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the Assistant County Attorney, County Attorney, County Manager, County Natural Resources and Special Projects Director, County Road and Bridge Director, Town of Telluride Planning Department, Town Manager of Mountain Village, Mountain Village Planning Department, Town of Ophir, Town of Sawpit, Department of Natural Resources, Bureau of Land Management, SMPA, Town of Norwood, and Tri State Generation and

Transmission.

Gregory Powers, Department of Water Resources, Parks and Open Space Director, responded stating an exempt commercial well permit would be available for a 35.00 acre parcel. This type of permit is limited to roughly 108,000 gallons per year.

Mike Bordogna, County Manager, commented he concurs with the water and power provisions.

Public Comments

No public comments have been received.

Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "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."

This amendment was requested by the BOCC.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code."

The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

1-402 Implement Policies

To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process

To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare

To protect the health, safety and public welfare of San Miguel County.

Sample Motion:

I move to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 3-101 Development Permits and 5-320 West End (WE) to Allow Data Centers, with a corresponding amendment to Article 6, Definitions, 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.



Troy Hangen <troyh@sanmiguelcountyco.gov>

Agency Referral: San Miguel County LUC Amendment

Troy Hangen <troyh@sanmiguelcountyco.gov>

Fri, Aug 12, 2022 at 11:09 AM

To: "To: James Van Hooser" <jamesv@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Phil Taylor <ptaylor@telluride-co.gov>, Ron Quarles <rquarles@telluride-co.gov>, pwisor@mtnvillage.org, Michelle Haynes <mhaynes@mtnvillage.org>, John Wontrobski <manager@ophir.us>, Mike Kimball <michaelnjoyce@msn.com>, "Cc: Kaye Simonson" <kayes@sanmiguelcountyco.gov>, Gregory Powers - DNR <gregory.powers@state.co.us>, Mark.Ragsdale@state.co.us, "Clementson, Connie J" <cclementson@blm.gov>, wiley@smpa.com, Patti Grafmyer <grafmyer@norwoodtown.com>, dleiker@tristategt.org, Corinne Platt <mayor@ophir.us>
Cc: John Huebner <johnh@sanmiguelcountyco.gov>

All,

Please find attached draft Section 5-320 West End Zone District (for Data Centers) Amendment to the San Miguel County Land Use Code. Thank you for reviewing the draft amendment and providing your comments.

The Planning Department requests that you please provide your review comments by August 31 to Troy Hangen, Senior Planner, troyh@sanmiguelcountyco.gov.

The Code Amendment is scheduled for review and recommendation by the Planning Commission on September 8. The Board of County Commissioner review date TBD. Regards,

--

Troy Hangen

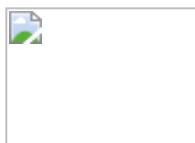
Senior Planner

San Miguel County

P:970-728-3083

333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

www.sanmiguelcountyco.gov**Data Centers LUC Amendment Draft 081222.pdf**

141K



Troy Hangen <troyh@sanmiguelcountyco.gov>

Agency Referral: San Miguel County LUC Amendment

Powers - DNR, Gregory <gregory.powers@state.co.us>

Fri, Aug 12, 2022 at 12:02 PM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Hello Troy.

So long as the development has the minimum required parcel size of 35.00 acres, I do not see a well permitting issue from a Division of Water Resources perspective. For a Data Center, or any commercial use, an exempt commercial well permit would be available for a 35.00 acre parcel. This type of permit is limited to pumping 1/3 of an acre foot of water, which is 108,600 gallons, per year.

Regards,

[Quoted text hidden]

--

Greg Powers

Well Commissioner

Division 4



970-249-6622 x4109

1541 Oxbow Drive, Suite 1625, Montrose, CO 81401

Gregory.Powers@state.co.us | <https://dwr.colorado.gov/>



Troy Hangen <troyh@sanmiguelcountyco.gov>

Agency Referral: San Miguel County LUC Amendment

Mike Bordogna <mikeb@sanmiguelcountyco.gov>

Fri, Aug 12, 2022 at 12:26 PM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

No changes from me Troy, it looks good and I concur with the water and power provisions. Thank you, Mike

From: Troy Hangen [mailto:troyh@sanmiguelcountyco.gov]**Sent:** Friday, August 12, 2022 11:09 AM

To: To: James Van Hooser <jamesv@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Starr Jamison <starrj@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Phil Taylor <ptaylor@telluride-co.gov>; Ron Quarles <rquarles@telluride-co.gov>; pwisor@mtnvillage.org; Michelle Haynes <mhaynes@mtnvillage.org>; John Wontrobski <manager@ophir.us>; Mike Kimball <michaelnjoyce@msn.com>; Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>; Gregory Powers - DNR <gregory.powers@state.co.us>; Mark.Ragsdale@state.co.us; Clementson, Connie J <cclementson@blm.gov>; wiley@smpa.com; Patti Grafmyer <grafmyer@norwoodtown.com>; dleiker@tristategt.org; Corinne Platt <mayor@ophir.us>
Cc: John Huebner <johnh@sanmiguelcountyco.gov>
Subject: Agency Referral: San Miguel County LUC Amendment

All,

Please find attached draft Section 5-320 West End Zone District (for Data Centers) Amendment to the San Miguel County Land Use Code. Thank you for reviewing the draft amendment and providing your comments.

The Planning Department requests that you please provide your review comments by August 31 to Troy Hangen, Senior Planner, troyh@sanmiguelcountyco.gov.

The Code Amendment is scheduled for review and recommendation by the Planning Commission on September 8. The Board of County Commissioner review date TBD. Regards,

--

Troy Hangen

Senior Planner

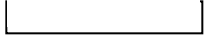
San Miguel County
P:970-728-3083[333 W Colorado Ave, 3rd Flr](#)

8/24/22, 10:20 AM

San Miguel County Mail - Agency Referral: San Miguel County LUC Amendment

[Telluride, CO 81435](#)

www.sanmiguelcountyco.gov



DATA CENTERS

DRAFT

(Additions are shown with underline. Deletions are shown with ~~strike-through~~.)

3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, and Oil and Gas Development pursuant to Section 5-26) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J and Oil and Gas Development pursuant to Section 5-26. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

B

5-320 West End (WE)

↳ **5-320 A needs modification**

5-320 F. Uses Allowed Subject to Two-Step Planning Commission and Board of Commissioners Special Use Permit Review.

~~XVIII. Data Centers (refer to Section 5-320 J) with accessory renewable energy generation~~

This Roman Numeral is associated w/

5-320 J. Data Centers**I. Development standards:**

- a. Minimum Parcel Size: thirty-five (35) acres.
- b. Setbacks:
 - i. Fifty (50) feet from all property lines.
 - ii. Five hundred (500) feet from residences.
- c. Location: Data Centers shall be within either the Egnar-Slickrock Fire Protection District or Norwood Fire Protection District.
- d. Noise: Sound emissions shall be less than fifty decibels (50 dB) at all property lines.
- e. Screening: All equipment, including but not limited to cooling and ventilation equipment, transformers, and generators shall be fully

nope
Equestrian activities
private riding
stables

Is this defined somewhere?

screened. This requirement may be modified if site topography effectively screens the view of the facility.

- f. Structures: Facilities shall be located within buildings. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is prohibited.
- g. Electronic waste: There shall be no expired or unused electronics or equipment stored on the site.

5-320 J. (II)

Review Standards: In addition to complying with the standards of Section 5-320 K and 5-10, Data Centers shall comply with the standards of this Section:

- a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids. Net zero emissions means the facility must offset the energy it uses from the grid with an approximately equal amount of renewable energy generated on-site. The Data Center facility must establish that the development will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. The data center shall not burden the existing local or regional grid.
- i. The application shall include all substations and infrastructure upgrades necessary for construction and operation of the facility.
- ii. Adequate capacity shall be available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the area power provider. Utility supply equipment and related electrical infrastructure shall be sufficiently sized and shall safely accommodate the proposed use. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
- iii. All power lines shall be installed underground. ^{in its}
- b. Water: Except for facilities for the use by onsite workers during work shifts or onsite workers who live on property, ~~the Data Center shall be a non-consumptive water use~~ and will have no effect on water resources in the area. Water shall not be used for the cooling of equipment. ^{? wording}
- c. Fire Suppression. Due to limited firefighting resources in the West End zone district, a fire suppression plan shall be provided, including a list of all major fire hazards, proper handling and storage procedures for

hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard.

- d. Wildfire Mitigation: To reduce the risk of potential wildfire-causing ignition associated with the Data Center and its infrastructure, a Wildfire Mitigation Plan shall be provided, addressing wildfire prevention, fuel reduction, fire suppression methods, fire safety, and mitigation measures to ensure that any fire at the facility does not
- e. Noise and Vibration. A sound and vibration impact analysis shall be submitted, establishing a ambient noise baseline and demonstrating how noise and vibration levels are being mitigated to minimize impacts on neighboring uses and on wildlife. The analysis shall include detailed information concerning all activity, equipment and machinery associated with use, sound and vibration levels resulting from such activity, equipment and machinery as well as all measures, including but not limited to those of a structural and/or non-structural-related nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affecting neighboring properties or wildlife.
- f. Natural Environment: The Data Center and all related infrastructure shall be designed to mitigate impacts on wildlife, plants, and other elements of the natural environment. A wildlife impact report shall be required and shall address noise, migration routes, critical winter range, fencing, and other potential impacts. A natural resources report identifying sensitive plants, invertebrates, soils and any other resources shall be prepared. All reports shall be prepared by qualified biologists.

5-320 JK.

General Development Guidelines for all uses

- I. All uses must conform to the state health and sanitation requirements regarding potable water supply and sewage disposal;
- II. Before issuing a special use permit for any land use change adjoining or affecting agricultural lands, assurance must be established that adequate provisions are included that minimize or eliminate impacts on agricultural lands, including compliance with the following guidelines:
 - a. Fences shall be constructed to separate development from adjoining agricultural lands or stock drives. Both new and existing fences shall be properly maintained and repaired. Notification of the lot owner's duty to maintain such fences shall be provided on subdivision plats;

Should there be reference to following @ 5-4 or a modification to that section too?

- b. Where irrigation ditches cross or adjoin land proposed to be developed, adequate provisions shall be made to insure that the use of such ditches, including the maintenance thereof, can continue uninterrupted; and
 - c. Existing historical easements utilized to gain access to ditches, head gates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of the historic use.
- III. In addition, local landowners recognize that the cooperative existence between landowners and wildlife is a way of life. To assure the preservation of both farmers/ranchers and wildlife, the Colorado Parks and Wildlife is encouraged to maintain reasonable herd populations.
- IV. In order to provide emergency services to residents, the assignment of an official address by the County Addressing Official according to the Standards in Appendix B is required for all permanent structures or habitable locations where a person might reside or work, subject to the discretion of the Addressing Official. A permanent driveway is required for the assignment of an address. If accessed directly from a County-maintained road, a Driveway Permit from the County Road and Bridge Department will be required. If accessed directly from a State highway, an access permit from the Colorado Department of Transportation will be required. The posting of a standardized address number sign according to the Standards is required to aid in timely emergency response.
- 5-320 KL. Review Standards for all WE Zone District Special Uses

All special uses shall:

- I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;
- II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;
- III. Be designed, located and operated so that the public health, safety and welfare will be protected;
- IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;
- V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;

- VI. Not substantially adversely affect agriculture or ranching operations and residences;
- VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and
- VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.

Article 6: Definitions

Data Center - A facility containing networked computers, servers, storage systems and computing infrastructure that organizations used for the storage, processing or distribution of large amounts of data. Data Centers may be colocated within the organization or entity that owns or manages the data, or may be a remote facility used for cloud computing and storage, or may be used for the processing of cryptocurrency transactions. Data Centers may also be referred to as server farms, data storage centers, or crypto mines.



AGENDA ITEM 4.a

TITLE:

Discussion of Telluride Regional Master Plan

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description: