

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

September 8, 2022

In Person and Online Meeting

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

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

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant

9:02 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

9:03 a.m. Ian Bald joined the meeting

MOTION by Josselin Lifton-Zoline to approve the August 11, 2022 minutes as corrected.
SECONDED by MJ Schillaci. **VOTE PASSED 5-0.**

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission.

- Sunnyside is still under construction with some units already being occupied. Residents of Shandoka, Building F have been relocated. There are 30 units, and there were 172 people in the lottery.
- Pinon Park just closed the application process for their lottery. Construction is moving along.
- Request to the Commission for representatives to the Master Plan update Advisory Group.

LAND USE CODE AMENDMENT RECOMMENDATION

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 unincorporated San Miguel County

The BOCC has requested that applicants and staff address the cumulative impact of current and proposed Special Uses during the review process, and standardize annual review requirements. This LUC Section has not been revised since the original adoption of the LUC.

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 provide guidance on annual reviews.

The amendment has more clarifying language and greater specificity to applications, and updates the review criteria. The proposed revisions provide consistency with the Master Plan and zone districts.

The Planning Department in their drafting chose not to do a separate Code section for golf courses, but rather cleaned it up and placed it in the back of this section 5-10. The commission recommended that this section be amended to state that irrigation water is required to be reused.

The commission discussed the amendment and refinement of some of the language.

10:10 a.m. The Chair opened public comments.

Scott Bennett, county resident expressed concerns with updating portions of the code without a general plan. He stated that cumulative impact are difficult to quantify without tangible data and not taking adequate time. He opposed requiring easements on site plans that are not recorded.

Doug Tooley, county resident expressed support for a general requirement that more dispersed camping be allowed on public lands, and the need for a summer managed work camp.

10:18 a.m. The Chair closed public comments.

Planning Commission modified the LUC amendment as follows:

5-1001 new word added to first sentence, “review standards ____ to review Special Use permit applications”;

5-1002 A. I. a. Look into question of “apparent easements”;

5-1002 A. I. c. Add phrase to Written Narrative “describe how the proposal meets all applicable Standards and Review Criteria”;

- 5-1002 B. III. Check whole document for the correct usage of the word “complementary”;
- 5-1002 B. IV. Find new term for “Necessary for public Convenience”
- 5-1002 B. VII. ~~Multiple Special Use Permits~~ to “Cumulative Impacts”, Reword to add second sentence, “If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated.”
- 5-1002 B. VII. b. ... Permits “on the property and in the geographic area” must be ~~mitigated~~ “considered.”
- 5-1004 A. II. ...notice will be ~~provide~~ “provided”...
- 5-1007 E. III. Recapture of irrigation water for reuse is ~~encouraged~~ “required” to minimize usage...
- 5-1007 H. III. Chemicals must be specified and submitted to the County for review and approval “prior to use.”

MOTION by Ian Bald 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, Purposed of the Land Use Code, as modified in the September 8 Planning Commission meeting.

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

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

10:29 a.m. Recessed.
10:38 a.m. Reconvened.

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

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 to store, process, and disseminate data and applications. Key concerns include power, water usage, and noise.

The West End (WE) zone district encompasses almost half of the land of San Miguel County and is broadly characterized as rural and ranchland with little vegetation and moisture. Multiple powerlines and substations are located throughout the West End zone district.

The proposed Land Use Code amendment would allow Data Centers in the West End (WE) zone district. 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.

Public notice was published and referral agencies were notified. Comments were received by Gregory Powers, Division of Water Resources, , who stated an exempt commercial well permit would be available for a 35-acre parcel. This type of permit is limited to roughly 108,000 gallons of water per year.

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

It was discussed that the county would want renewables, a net zero facility, and not carbon producing. The commission further discussed that water is a fact of life for a data center. Kaye Simonson, Planning Director iterated that a center not using water is doable, but the power usage can be equivalent to a small city. The public benefit of economic sustenance, employment, and tax benefits was also talked about, along with how, if there are no specific standards for such a facility in the Code, it would be considered under the existing standards of a warehouse, and hard to prohibit or regulate.

11:09 a.m. The commission opened up for public comments

Doug Tooley – Concern of industry in the West End, oil, gas & uranium. There is potential solar development in the West End. Doesn't believe in Bitcoin mining in the area.

11:14 Closed to public comment

The commission discussed putting a cap on the number of applicants.

MOTION by Josselin Lifton-Zoline to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 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, with a cap of three (3) data centers.

Discussion among the commission on the merits of a cap, and the cap allowing for a review period.

MOTION finalized, with the cap of three (3) data centers.

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

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

WORKSESSION:

Discussion of the Telluride Regional Master Plan

There needs to be a diverse group on the advisory committee to represent the region.

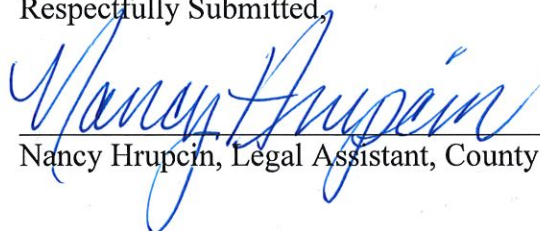
In October there will be subject matter experts for the focus group meeting.

December will include community engagement.

Members of the commission are needed for the Advisory Group subcommittees. It was decided on Josselin and Toby, with Lee as an alternate.

11:47 a.m. Adjourned.

Respectfully Submitted,



Nancy Hrupcin, Legal Assistant, County Attorney

Approved on October 13, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION



M.J. Schillaci, Secretary

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