



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, AUGUST 11, 2022 – 9:00 AM

MEETING INFORMATION - This meeting will be held online due to the COVID-19 virus. 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. July 14, 2022 minutes
[pc.7.14.22 minutes \(1\) KS edits.docx](#)

3. 9:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

- a. 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/MOTION
[CPC Packet Foreign Cars SUP Annual Review 081122.pdf](#)

4. LAND USE CODE AMENDMENT RECOMMENDATION

5. WORKSESSION:

- a. A. Discussion regarding Telluride Region Master Plan Update
B. Discussion regarding Land Use Code amendments

6. 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, designate posting place for all meeting notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.



AGENDA ITEM 2.a

TITLE:

July 14, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.7.14.22 minutes \(1\) KS edits.docx](#)

Description:

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

July 14, 2022

Online Meeting

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

Absent: Tobin Brown, Sr. Alternate

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

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

9:00 a.m. Site Visit: SUPs for Artisans, Cultural Events at Lot 4, DCP former mine, CR 62L.
10:19 a.m. Chair called the meeting to order.

10:00 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Daniel Collins
Property Owner: Collins-Morehead, LLC
Location: Deep Creek Road
Parcel(s): Lot 4, Deep Creek Placer, former mine; PIN#456326400025
Zone District: (HC) Heavy Commercial
Proposal: Request for Special Use Permit to allow a Light Industrial, research and development facility for artisans and craftsmen together with a Special Use Permit for Public Facilities to allow specific cultural events with up to 200 people to occur at the former mine.

Those who addressed the commission:

Anton Viditz-Ward, Manager – Deep Creek Experimental, Applicant representative
Daniel Collins, Managing Partner, Collins-Morehead LLC, Applicant
Laurie Lundquist-Collins, Collins-Morehead LLC, Applicant

Lee Taylor stated that he knows the applicant; Josselin Lifton-Zoline stated that she the knows applicant through the Telluride Institute; and, Ian Bald stated that he is friends with Dan and Laurie. They stated that they have no financial interest in the project, and that their relationships with the applicant will not affect their judgment regarding this application.

John Huebner, Senior Planner, presented the Planning staff report included in the packet materials. Dan Collins, Managing Partner, Collins-Morehead LLC, submitted an application,

received May 25, 2022, seeking a Special Use Permit for light industrial, research and development facilities for artisans, craftsmen, and for various "cultural events" for the public at their former limestone mine, a 47-acre property, zoned Heavy Commercial (HC). The property is located 7 miles west of the Town of Telluride on the north side of Hwy 145 off County Road 62L, Deep Creek Road.

The subject property is located across State Highway 145 from both the San Miguel County Road and Bridge and the Colorado Department of Transportation maintenance shops. The residential properties adjacent to the mine property are owned by the Collins and Morehead families of Collins-Morehead LLC, which is the applicant.

The former mining facility contains approximately 65,000 square feet of tunneled interior space. These underground areas have an average ceiling height of 20 feet and are lit overhead with dirt and rock surfaces underfoot.

The applicant proposes a variety of light industrial uses, including welding and industrial fabrication, equipment maintenance, storage, industrial design, and fine art production within the former mining facility. This workspace is used by local artisans and craftspeople engaged in activities that cannot be conducted elsewhere within the Telluride Region. Anton Viditz-Ward manages a collective of seven fabricators and artisans who work at the mine. There are also 15 storage spaces, which the renters access infrequently.

There is an outdoor event space proposed on the equipment apron to host cultural activities involving up to 199 persons.

The eight proposed cultural events per year occur in the fall, winter, and spring, in conjunction with Telluride Arts, Mountain Film, Deep Creek Experimental, and the Telluride Institute. These events include the burning of wood sculptures, mechanical fire sculptures, an altar, light art, live music, and a DJ. There is parking onsite with overflow parking proposed on Deep Creek Road (CR 62L).

The applicant has stated that the subject property is an appropriate location, "given the character of the proposed activities" (e.g. cultural events and art displays) in addition to the special events. Primary concerns are for public health and safety primarily related to fire safety and suppression and emergency egress.

The applicant noted that they are working with the State Electrical Inspector to obtain permits and approval for the electrical system. Regarding the development of a fire protection plan and adequacy of ventilation, the applicant will review that plan with Scott Heidergott, the Fire Marshal, to determine what his requirements will be. It is their understanding that they will no longer be working with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety as that relationship was concluded when they satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. The applicant will also work with Matt Gonzales, Building Official, to determine if there are any Building Code compliance issues.

Public Notice for today's meeting and this application was published in the Telluride and Norwood newspapers, and notice mailed to adjacent property owners.

The application was referred to county officials and state and local agencies. Referral comments were received.

Mike Bordogna, County Manager, expressed concern with the interior storage of flammable materials such as gas tanks or welding tanks, and with hosting public events inside the facility.

Telluride Fire Protection District Fire Marshal Scott Heidergott provided preliminary comments. He discussed with Planning staff that a standpipe system, which is a series of pipes that connect a water supply from a fire department water supply vehicle to hose connections at the mine entrance, could be provided in lieu of providing a fire apparatus turnaround on the "equipment apron" and/or providing a fire suppression system on site. A monitored alarm notification system for smoke, heat and carbon monoxide shall be installed in the occupied area of the mining facility. Egress signage throughout the mining facility must be inspected on completion. A fire lane shall be maintained from CR 62L to the mine parking area. Also, no fire events are to be conducted in the interior of the mining facility.

Gregory Powers, CDWR Well Commissioner, confirmed that the water well associated with this parcel is a commercial well and that the uses proposed are consistent with those permitted.

Matt Gonzales, SMC Building Official, stated that a building permit is required to verify code compliance for a new occupancy classification for the uses proposed in the application. Issues that will need to be addressed include emergency egress, ventilation rates, accessibility, fire suppression, and bathroom facilities. He recommends that the mining facility should not be occupied until a Certificate of Occupancy has been obtained.

Kelly Crane, CPW District Wildlife Manager, stated that the former Deep Creek Mine lies within the following CPW mapped wildlife ranges for black bear overall; elk, summer, winter, and severe winter; mountain lion overall; and mule deer summer and winter. She recommended that fences be used minimally and bear-proof trash cans and dumpsters be used at all times on site.

No public comments were received.

The Planning Commission asked where the water well is located, if there were safety fences on the equipment apron, and the condition of guardrails. Commission asked if there are any FAA concerns; there are none as the property is not in any critical airport zones. Matt Gonzales, Building Official stated that the mine and apron are a unique occupancy scenario, and discussed the applicant potentially reducing total square footage by permanently blocking portions of the mine. The Commission asked what the full scope of proposed uses are and what is required under the International Building Code. Matt relayed that he needs additional information, including a code analysis for all the items that need to be addressed. There was further discussion of a parking plan being required and the issue of parking blocking the road, particularly for emergency access. Using shuttles to events was also discussed.

Amy Markwell, County Attorney added that the liability issues are her biggest concerns and would like to see the release of the reclamation liability issued by the Colorado Division of Reclamation and Mining Safety.

The applicant, Daniel Collins, shared that he spoke with the Fire Marshal about fire issues and a monitored smoke alert system. He has reached out to Peak/Superior Alarm for estimates and recommendations. Anton Viditz-Ward added that he has communicated with the fire department and sheriff on how to approach safety needs. They have been parking on one side of the road, added fire extinguishers, and added solar lighting along the access road for safety. The commission questioned the applicant on snow storage on site and having bear-proof trash containers. They further inquired about the storage usage. The materials stored are on pallets, with some clients never going into the mine. Anton brings the materials out with a skid steer. It was confirmed that the owners are carrying liability insurance, and discussed the organizations using the mine also be required to prove insurance coverage.

The commission discussed continuing the item to give the applicant time to provide the information and documentation requested. The applicant requested a minimum of 60 days to address the issues discussed and further requirements.

11:35 a.m. Chair opened Public Comment.

None received.

11:36 a.m. Closed Public Comment

MOTION by Josselin Lifton-Zoline to continue the Public Hearing for Collins-Morehead LLC – Lot 4, Deep Creek Placer; Special Use Permit application to October 13, 2022 meeting. The Applicant will provide the information and documentation requested by the referral agencies, county staff, and Planning Commission to the Planning Department at least two (2) weeks prior to the above-scheduled date as follows:

1. Respond to the safety requirement identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
2. Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
3. Contact the Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.
4. Respond to other comments received from referral agencies.
5. Respond to comments and issues enumerated by the Planning Commission as follows:
 - A. Provide the DRMS release of reclamation report.
 - B. Submit the engineering report for review.
 - C. Submit a copy of the electrical permit

- D. Provide a more detailed parking and transportation plan for the events.
- E. Provide a plan for safety rails/fences along drop-offs to protect event attendees.
- F. Provide permanent and event exterior lighting plans.
- G. Provide a copy of storage safety protocols that are provided to users.
- H. Provide a copy of safety rules and protocols for special events.

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	<u>Absent</u>

11:44 a.m. Recessed.

11:51 a.m. Reconvened

WORKSESSION:

Discussion to amend Section 5-10, Special Uses, to add criteria related to cumulative impacts, and to clarify standards.

APPROVAL OF THE MINUTES:

MOTION by MJ Schillaci to approve the June 9, 2022 minutes as presented.

SECONDED by Josselin Lifton-Zoline. **VOTE PASSED 4-0.**

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	<u>Abstain</u>	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson updated the commission on the following items:

- A request has been submitted to the BOCC for a four-month extension to the Genesee PUD Sketch Plan approval.
- RFQ deadline for the Master Plan update is due July 15, 2022. Kaye needs two people from the commission to review and interview potential candidates.
- The August CPC meeting will potentially be a work session and annual reviews.

12:55 p.m. 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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DRAFT



AGENDA ITEM 3.a

TITLE:

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/MOTION

Presented by:

Time needed:

PREPARED BY:

Kaye Simonson, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Foreign Cars SUP Annual Review 081122.pdf](#)

Description:

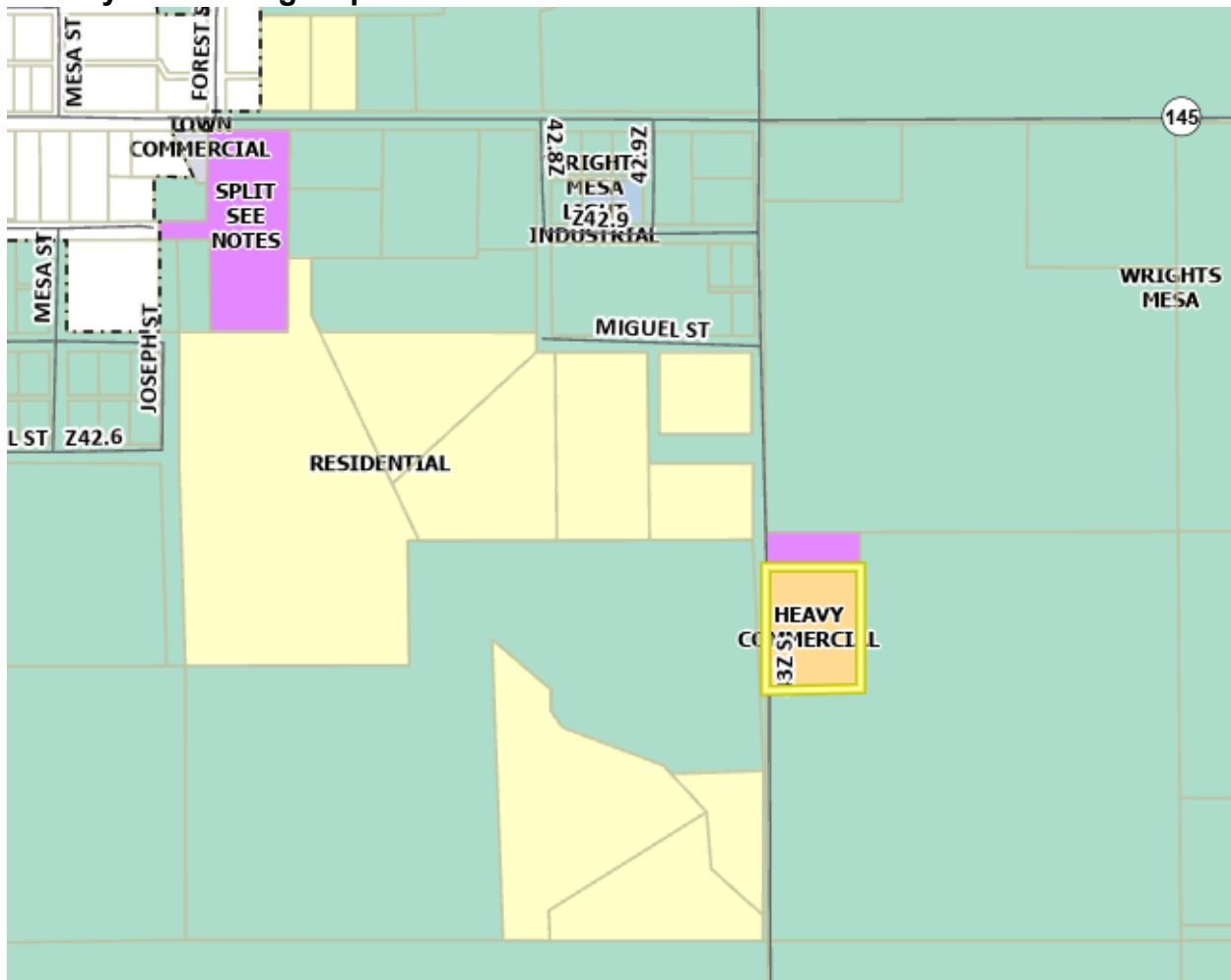
MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, Planning Director
RE: 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.
DATE: August 11, 2022
[Z:\Applications\2022_Foreign Cars_SUP_Annual Review]

Background

On August 19, 2021, the County Planning Commission (CPC) approved an amendment to the Foreign Cars Special Use Permit and adopted CPC Resolution No 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 (attached) included 15 conditions, including the requirement that there be an annual review one year after the SUP was approved.

Vicinity and Zoning Map



Project Status

On May 19, 2022, Kaye Simonson, Planning Director, and Matt Gonzales, Building Official, visited the site with Theron Pace. A letter regarding the status of each condition was prepared and sent to the applicants (attached). As stated in the letter, the notable conditions that must still be addressed are as follows:

2. *Erect an opaque fence to screen the property that is at least six (6) feet high along the south and east property lines. The Planning Director may waive this condition if the final settlement with the neighbor otherwise addresses screening.*

Fabric mesh screening has been partially installed along the east property line. This material is suitably opaque to meet the intent of this condition. Therin stated that it is his intent to install a wood fence along the south property line after the mobile home was removed; fence panels were stored on site.

Update: The applicant is installing opaque screening on the east side of the property adjacent to the pasture, which meets the intent of the condition. (email attached) There are 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 still pending completion of removal of the mobile home. A date by which the fence should be completed should be set.

8. *Obtain all necessary inspections for the apartment. If a Certificate of Occupancy or Final Inspection is not obtained within ninety (90) days of the date of this approval, the apartment and all plumbing and wiring associated with the kitchen and bathroom shall be removed and approval of the affordable housing use shall be void. The Planning Director and Building Official may grant an extension and allow more time to meet this condition, provided the applicant is working diligently to complete all work and obtain all inspections.*

Progress has been made regarding the apartment. As noted on the site, sheetrock must go all the way to the ceiling to provide occupancy separation. Continue to work diligently to complete the work on the apartment and get the certificate of occupancy.

Update: As of the writing of this report, the work in the apartment has not been completed. A deadline for completion should be given.

14. *The mobile home shall be removed, based on the finding that it is not safe for habitation and cannot be reasonably rehabilitated to a point that a certificate of occupancy can be obtained. It shall not be replaced unless and until all necessary permits and approvals are obtained, including but not limited to an amendment to this SUP to allow an additional dwelling unit on the property.*

It is our understanding that all mitigation work has been completed and there is a contract in place for its removal. According to Mr. Pace, demolition has been delayed due to high winds. Please proceed with the removal as soon as possible.

Update: On August 1, the Building Inspector stopped by the property and observed the demolition progress. The shed structures that remain were attached to the mobile home and should also be removed. They cannot remain on the site unless permitted as accessory structures, and cannot be located in the setbacks. A date for final removal and cleanup should be given.



Other conditions of note:

10. Provide documentation from an engineer regarding the size, location, and condition of the Onsite Wastewater Treatment System(s) (OWTS) within ninety (90) days of this approval. The engineer shall demonstrate to the satisfaction of the San Miguel County Site Inspector that the OWTS is adequate and functioning and will meet all needs for the site. The Site Inspector may require any modifications to the system(s) deemed necessary for the public health and safety.

This condition has been met.

Explanation: As required, an engineer inspected the OWTS (see attached report from David Royer). Although the exact size and locations of all components are not known, and cannot be known without full excavation of the systems (there are two – one for the shop and one for the apartment) the engineer found the systems to be functional. Therefore, no modifications to the systems are required. If there is any encroachment

of any part of the system on the adjacent property, that is a civil matter to be resolved between the parties.

13. The open shed along the east property line shall be removed. Alternatively, the applicant and owner may apply for and obtain all necessary permits (development permit, building permit)...

The shed has been removed.

Public Noticing

Notice of the annual review was provided via email to the applicants on July 13, 2022. An email was also sent to all persons who had expressed an interest in the project, including neighbors, on July 13, 2022.

Referral Agencies

The July 13, 2022 email was sent to all prior referral agencies. Matt Gonzales, County Building Official has been working closely with the Planning Department as well as the owner and applicant on this project. A building permit has been issued for the apartment; completion and the CO is still outstanding. A state demolition permit was obtained for the mobile home and asbestos mitigation was completed prior to commencement of demolition. Verification of the location, size, and condition of the OWTS was completed and accepted by Lisa Garrett, County Site Inspector.

Public Comments

County staff has been contacted a number of times throughout the past year by the neighbors, George Parker and Tina Dellis, and staff has kept them apprised of the progress. An email has also been submitted from Art Goodtimes in support of continuing the operation.

Recommendation

All proposed uses require a One-Step review by the Planning Commission. An application for a Special Use Permit in the Heavy Commercial zone district is subject to the standards contained in LUC Section 5-308 B, Heavy Commercial, and in 5-1002, Special Uses. The standards were discussed at length and appropriate conditions established to ensure impacts were addressed. The three outstanding issues are completion of the apartment and obtaining a CO; completion of demolition of the mobile home and site cleanup; and completion of the fence. The resolution included deadlines for completion, all of which have passed. However, the applicant has made progress toward addressing everything. At this point, it is recommended that a firm deadline be established for completion, and that it be no later than September 30, 2022.

Sample Motion:

I move 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. All work on the apartment shall be completed and a Certificate of Occupancy obtained.
2. Demolition of the mobile home and clean-up of the site shall be completed.
3. The fence on the south property line and the screening on the east property line shall be completed.
4. 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.

Attachments:

- CPC Resolution 2021-05
- Status Letter from Matt Gonzales and Kaye Simonson dated May 23, 2022
- Email from Aalice Faye Young regarding the fence dated November 30, 2021
- Letter from David Royer, PE, dated November 2, 2001 regarding the OWTS
- Email from Art Goodtimes dated August 1, 2022

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING AN AMENDMENT OF A SPECIAL USE PERMIT FOR AN AUTO
REPAIR BUSINESS AND CONTRACTOR'S SHOP AND YARD, AND ADDING
WAREHOUSING AND AFFORDABLE HOUSING FOR PERSONS EMPLOYED ON-
SITE FOR FOREIGN CARS, LLC AND YOUNG CONSTRUCTION, HEAVY
COMMERCIAL (HC) ZONE DISTRICT**

Resolution 2021-05

WHEREAS, James M. Young Family Trust, hereafter "Owner," is the owner of a 3.41-acre parcel (PIN #429526200010), hereafter "Property," in the Heavy Commercial (HC) zone district, located at 272 & 350 County Road 43 Z S, Norwood, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Therin Pace, Foreign Cars LLC, hereafter "Applicant", is the tenant and business owner of the business located on the Property and on behalf of the Applicant has submitted an application to amend the Special Use Permit ("Application") at the Property, to modify the existing SUP and add Warehousing and Affordable Housing for persons employed on the property, in accordance with San Miguel County Land Use Code Section 5-308 Heavy Commercial (HC) zone district; and

WHEREAS, Board of County Commissioners Resolution 1987-17 rezoned the property to Heavy Commercial (HC) and granted a Special Use Permit (SUP) for a Contractor's Shop; and

WHEREAS, County Planning Commission (CPC) Resolution No. 1997-10 amended the SUP to add an auto body/paint shop and auto impound business;

WHEREAS, CPC Resolution No. 2004-08 approved an expansion of the auto repair business; and

WHEREAS, the approved uses as currently exist include the auto repair shop, with up to four (4) cars stored inside and up to (4) cars stored outside; a contractor's shop and yard; and an auto impound business allowing the storage of up to twenty (20) cars on the site for a period of up to two (2) weeks; and

WHEREAS, the impound business has not been active for more than twelve (12) consecutive months, and pursuant to LUC Section 5-1002 F.II, discontinued or abandoned Special Uses are subject to review by the County; and

WHEREAS, the Applicant has been using an existing storage building and numerous storage containers on the site for a Warehousing business, which does not have an approved SUP; and

WHEREAS, an apartment has been constructed within the storage building, for which no permits have been issued; and

WHEREAS, a mobile home and a storage shed also exist on the property, for which no permits have been issued; and

WHEREAS, in response to a complaint filed with the County, the County Planning Director and Building Official reviewed the records, conducted a site visit, and on April 9, 2021 sent a letter to the Owner and Applicant identifying areas that need to be addressed in order to bring the subject property and its uses into compliance with the Special Use Permit and the Land Use Code; and

WHEREAS, Applicant has submitted an application to amend the SUP, requesting to increase the number of vehicles allowed on the site to fifty (50); retain the auto repair shop, contractor's shop and impound use; add Warehousing as a use; and add a residential use for occupancy by a person employed on the site; and

WHEREAS, the Application was referred to the County Attorney, County Building Official, County Manager, County Road and Bridge Director, County Sheriff, County Site Inspector, Norwood Fire Protection District, and Town of Norwood/Norwood Water District for review and comment; and

WHEREAS, on or about July 27, 2021, the Planning Department sent Notice of the application and the CPC Public Hearing to be held on Wednesday, August 19, 2021 to all property owners within 500 feet of the subject parcel, and signs were posted on the property by the Applicant noticing the proposed use and the CPC meeting to be held on August 19, 2021; and

WHEREAS, a Public Hearing Notice for the proposed Special Use Permit and the County Planning Commission meeting to be held on August 19, 2021 was published in the Norwood Post and the Telluride Daily Planet on August 4, 2021; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit C; and

WHEREAS, the Planning Commission of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in Norwood on Thursday, August 19, 2021.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission of San Miguel County, Colorado, approves the amendment to the Foreign Cars Special Use Permit, and adopt Resolution No. 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, based on the finding that the proposed SUP amendment meets the standards of LUC Section 5-308 B, Heavy Commercial, and of 5-1002, Special Uses, with the following conditions:

1. This Resolution shall replace all prior SUP resolutions in their entirety, including CPC Resolution No. 1997-10 and CPC Resolution No. 2004-10.

2. Erect an opaque fence to screen the property that is at least six (6) feet high along the south and east property lines. The Planning Director may waive this condition if the final settlement with the neighbor otherwise addresses screening.
3. The maximum number of vehicles parked outside for the automotive repair use shall be limited to twenty four (24). All vehicles shall have current registration or work order and shall not be on the property for more than thirty (30) days, per LUC Section 5-308 B.XII.j. Vehicles stored in buildings or containers are not subject to these limits.
4. The impound use is no longer active and shall not be reestablished unless and until a Special Use review is conducted pursuant to the requirements of the Land Use Code.
5. All stored vehicles (those not being actively repaired and/or allowed to be stored outside per the above conditions) shall be located inside buildings or containers.
6. There shall be no more than twenty (20) cargo/storage containers on the site.
7. No storage containers shall be placed or located in the fifty-foot (50') setbacks.
8. Obtain all necessary inspections for the apartment. If a Certificate of Occupancy or Final Inspection is not obtained within ninety (90) days of the date of this approval, the apartment and all plumbing and wiring associated with the kitchen and bathroom shall be removed and approval of the affordable housing use shall be void. The Planning Director and Building Official may grant an extension and allow more time to meet this condition, provided the applicant is working diligently to complete all work and obtain all inspections.
9. The apartment shall only be occupied by persons employed on the site. There shall be no more than four (4) people residing in the apartment. The name(s) of the tenant(s) and their position(s) of employment within the SUP shall be provided to the Planning Department no later than January 31 of each year.
10. Provide documentation from an engineer regarding the size, location, and condition of the Onsite Wastewater Treatment System(s) (OWTS) within ninety (90) days of this approval. The engineer shall demonstrate to the satisfaction of the San Miguel County Site Inspector that the OWTS is adequate and functioning and will meet all needs for the site. The Site Inspector may require any modifications to the system(s) deemed necessary for the public health and safety.
11. Comply with all requirements of the Norwood Water District. Within ninety (90) days of this approval, provide San Miguel County Planning Department with verification from the District that their requirements have been met.
12. Vegetation and weeds shall be controlled. The site shall be kept clear of trash and debris and maintained in a clean and orderly condition.

13. The open shed along the east property line shall be removed. Alternatively, the applicant and owner may apply for and obtain all necessary permits (development permit, building permit). A complete application shall be submitted within thirty (30) days of this SUP approval. If the open shed is proposed to be retained in its existing location within the setback, the applicant must apply for and receive approval from the Board of Adjustment for a variance to the rear yard setback. Nothing in this SUP approval provides any guarantee that the variance or subsequent permits will be granted. If the applicant fails to obtain all necessary approvals and permits within six (6) months of the date of this approval, the open shed shall be removed.
14. The mobile home shall be removed, based on the finding that it is not safe for habitation and cannot be reasonably rehabilitated to a point that a certificate of occupancy can be obtained. It shall not be replaced unless and until all necessary permits and approvals are obtained, including but not limited to an amendment to this SUP to allow an additional dwelling unit on the property.
15. There shall be an annual review one (1) year after the date of approval of this SUP amendment (August 2022). Prior to the annual review by the Planning Commission, notice will be provided to the neighbors and individuals who have commented on this SUP application. The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

BE IT FINALLY RESOLVED that all written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on August 19, 2021.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____

Lee Taylor, Chair

Vote:	Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
	Pamela Hall	<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	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

ATTEST:

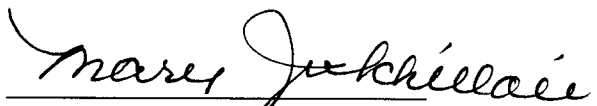
By: 
M.J. Schillaci, Secretary

EXHIBIT "A" Legal Descriptions

EXHIBIT "B" Site plan

EXHIBIT "C" Public Hearing Record

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SW4NW4 SEC 26 T45N R13W DESC AS FOL BEG AT A PT
120 FT S FROM THE NW COR OF SD SW4NW4 TH E 352.84 FT TH S 400 FT TH W 350
FT TH N FOO FT TO POB BETTER DESC IN PLAT BK 1 PG 4476

EXHIBIT B SITE PLAN

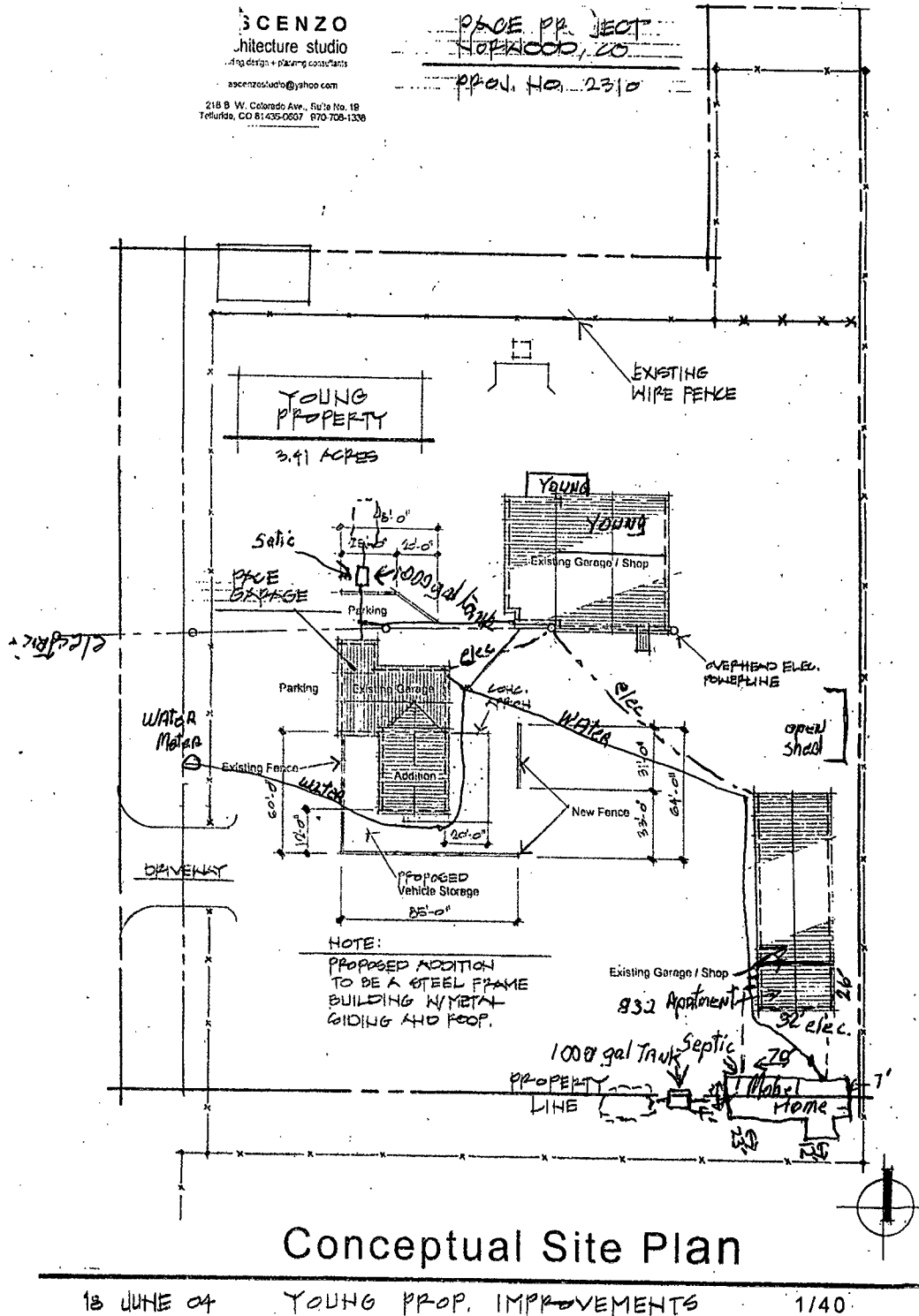


EXHIBIT C

Public Hearing Record

County Planning Commission

Application: Amendment to the 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.

Date: August 19, 2021

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 Kaye Simonson, Planning Director dated August 19, 2021.
4. Draft Resolution 2021-05 of the County Planning Commission, San Miguel County, Colorado, Approving Amendment to Foreign Cars Special Use Permit, Wright's Mesa Zone District
5. Letter from Kaye Simonson, Planning Director and Matt Gonzales, Building to Therin Pace and Jim Young dated April 9, 2021.
6. County Planning Commission Resolutions 2004-8, 1997-10, 1990-2; Board of County Commissioners Resolution 1987-17
7. Application submitted by Therin Pace, Foreign Cars Inc. dated May 14, 2021.
8. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated July 27, 2021 and August 12, 2021.
9. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on August 4, 2021.

AGENCY COMMENTS

10. Email and attachment from John Huebner, Senior Planner, to Review Agencies dated July 13, 2021.
11. Email received from Bill Masters, County Sheriff, to John Huebner, Senior Planner dated July 13, 2021.
12. Email received from John Bockrath, Norwood Fire District Chief, to John Huebner, Senior Planner dated August 2, 2021.

13. Letter received from Finn Kjome, Norwood Water Commission Chair, to Kaye Simonson, Planning Director dated August 2, 2021.

PUBLIC COMMENT

14. Email received from Tina Delis, 392 CR 43Z S, to Kaye Simonson, Planning Director dated May 6, 2021.
15. Letter received from Adam Johnson, 496 CR 43Z S, to Kaye Simonson, Planning Director dated August 9, 2021.
16. Letter received from Dennis Strohm, 245 CR 43Z S, to Kaye Simonson, Planning Director dated August 9, 2021.
17. Letter received from Lamonte Woozley, 431 CR 43Z S, to Kaye Simonson, Planning Director dated August 9, 2021.
18. Letter received from Jenny Russell, Russell Pieterse LLC, Attorneys representing George Parker 431 CR 43Z S, to Kaye Simonson, Planning Director dated August 9, 2021.



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

To: Therin Pace by email: therin_pace@hotmail.com
Jim and Alice Faye Young by email: jmyoung72645@yahoo.com and
alicefae1@yahoo.com

Date: May 23, 2022

Re: Site Inspection Follow-up

On Thursday, May 19, 2022 Kaye Simonson, Planning Director and Matt Gonzales, Building Official, conducted a site visit with Therin Pace to check on the status of work related to the conditions of approval for the Special Use Permit per Resolution No. 2021-05. The items remaining include removal of the mobile home, completion of the fence, and completion of the apartment. The status of each condition is as follows:

1. *This Resolution shall replace all prior SUP resolutions in their entirety, including CPC Resolution No. 1997-10 and CPC Resolution No. 2004-10.*

So noted

2. *Erect an opaque fence to screen the property that is at least six (6) feet high along the south and east property lines. The Planning Director may waive this condition if the final settlement with the neighbor otherwise addresses screening.*

Fabric mesh screening has been partially installed along the east property line. This material is suitably opaque to meet the intent of this condition. Therin stated that it is his intent to install a wood fence along the south property line after the mobile home was removed; fence panels were stored on site.

3. *The maximum number of vehicles parked outside for the automotive repair use shall be limited to twenty four (24). All vehicles shall have current registration or work order and shall not be on the property for more than thirty (30) days, per LUC Section 5-308 B.XII.j. Vehicles stored in buildings or containers are not subject to these limits.*

This condition has been met.

4. *The impound use is no longer active and shall not be reestablished unless and until a Special Use review is conducted pursuant to the requirements of the Land Use Code.*

So noted

5. *All stored vehicles (those not being actively repaired and/or allowed to be stored outside per the above conditions) shall be located inside buildings or containers.*

This condition has been generally met.

6. *There shall be no more than twenty (20) cargo/storage containers on the site.*

This condition has been met.

7. *No storage containers shall be placed or located in the fifty-foot (50') setbacks.*

This condition has been met, with the possible exception of the container at the southwest corner. Please note that the west setback is measured beginning at a point thirty feet (30') feet from the centerline of the road. The west edge of the curb around the former fuel site is about seventy feet (70') from the centerline, so containers should be about ten feet (10') farther east.

8. *Obtain all necessary inspections for the apartment. If a Certificate of Occupancy or Final Inspection is not obtained within ninety (90) days of the date of this approval, the apartment and all plumbing and wiring associated with the kitchen and bathroom shall be removed and approval of the affordable housing use shall be void. The Planning Director and Building Official may grant an extension and allow more time to meet this condition, provided the applicant is working diligently to complete all work and obtain all inspections.*

Progress has been made regarding the apartment. As noted on the site, sheetrock must go all the way to the ceiling to provide occupancy separation. Continue to work diligently to complete the work on the apartment and get the certificate of occupancy.

9. *The apartment shall only be occupied by persons employed on the site. There shall be no more than four (4) people residing in the apartment. The name(s) of the tenant(s) and their position(s) of employment within the SUP shall be provided to the Planning Department no later than January 31 of each year.*

Please provide information regarding the tenant(s) as required by this condition.

10. *Provide documentation from an engineer regarding the size, location, and condition of the Onsite Wastewater Treatment System(s) (OWTS) within ninety (90) days of this approval. The engineer shall demonstrate to the satisfaction of the San Miguel County Site Inspector that the OWTS is adequate and functioning and will meet all needs for the site. The Site Inspector may require any modifications to the system(s) deemed necessary for the public health and safety.*

This condition has been met.

11. *Comply with all requirements of the Norwood Water District. Within ninety (90) days of this approval, provide San Miguel County Planning Department with verification from the District that their requirements have been met.*

This condition has been met.

12. *Vegetation and weeds shall be controlled. The site shall be kept clear of trash and debris and maintained in a clean and orderly condition.*

Vegetation has been mowed. Please continue to maintain the site.

13. *The open shed along the east property line shall be removed. Alternatively, the applicant and owner may apply for and obtain all necessary permits (development permit, building permit). A complete application shall be submitted within thirty (30) days of this SUP approval. If the open shed is proposed to be retained in its existing location within the setback, the applicant must apply for and receive approval from the Board of Adjustment for a variance to the rear yard setback. Nothing in this SUP approval provides any guarantee that the variance or subsequent permits will be granted. If the applicant fails to obtain all necessary approvals and permits within six (6) months of the date of this approval, the open shed shall be removed.*

The shed has been removed.

14. *The mobile home shall be removed, based on the finding that it is not safe for habitation and cannot be reasonably rehabilitated to a point that a certificate of occupancy can be obtained. It shall not be replaced unless and until all necessary permits and approvals are obtained, including but not limited to an amendment to this SUP to allow an additional dwelling unit on the property.*

It is our understanding that all mitigation work has been completed and there is a contract in place for its removal. According to Mr. Pace, demolition has been delayed due to high winds. Please proceed with the removal as soon as possible.

15. *There shall be an annual review one (1) year after the date of approval of this SUP amendment (August 2022). Prior to the annual review by the Planning Commission, notice will be provided to the neighbors and individuals who have commented on this SUP application. The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.*

We will include the annual review on the August 11 Planning Commission meeting and will begin the notice process in July. Please work to have all conditions completed by then.

Thank you for continuing to work to complete all of the above conditions. If you have any questions, please let us know.



Kaye Simonson, AICP
Planning Director



Matt Gonzales
Building Official



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Opaque Fence

1 message

Alice Fae Young <alicefae1@yahoo.com>

Tue, Nov 30, 2021 at 8:07 AM

Reply-To: Alice Fae Young <alicefae1@yahoo.com>

To: Kaye Simonson <kayes@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>

Cc: Alice Fae Young <alicefae1@yahoo.com>

Good Morning Kaye and Matt,

The fence being constructed on Jims property complies with the Resolution. The Resolution requires an opaque fence.

George Parker has no authority to dictate to us the type of fence. If George has interest in building a fence out of different material at his expense, he needs to get Jims approval and it must meet the Planning Commissions requirements.

Thanks Jim and Alice Young

**6:46 PM****95%** A battery icon showing a full charge level.

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San Miguel Engineering
P.O. Box 96
Norwood, CO 81423
ezhogan @ yahoo . com
www.ezhogan.com
Ph. 970-327-4185

To San Miguel County, Colorado

Re: Onsite Wastewater Treatment Systems (OWTSS) For Jim Young,
272 & 350 County Road 43ZS, Section 26, T45N R13W NMPM.

November 1, 2021

I have evaluated the OWTSS on Mr. Young's subject property and inspected what I could of the systems on October 11, 2021. The property was reportedly developed in about 1970 and presumably the bulk of the systems were installed at that time.

I will start with THE SYSTEM NEAR THE SOUTHEAST CORNER OF THE PROPERTY. I observed the top of the septic tank that had been exposed by removing the overlying soil. It is located to the southwest of the building near the southeast property corner and receives sewage from said building. A sewer line, whereby the tank previously received sewage from a mobile home which is/was located to the south of the said building, has been disconnected from the septic tank. The tank is concrete and has a 1000 gallon capacity. We did not locate the soil treatment area (STA). It is not evident based on flourishing vegetation, which is often the case. Two pits 5' deep were dug to search for the STA but it was not found. The soils in the pits that were dug, about 95' and 75' west of the septic tank were gravelly, loamy, and sandy, and looked very good for placement of a STA. A STA consisting of screened rock in trenches was reportedly put in to replace a 1970+/- STA at some point in time.

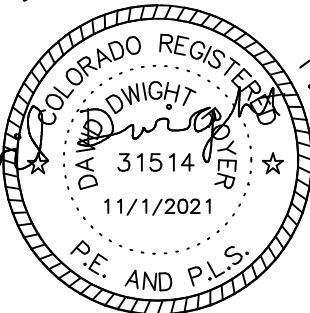
MY CONCLUSION is that although the location and size of the STA was not determined, this system is adequate for the building only. The good STA soil that we found, coupled with a report from Mr. Young that no problems were experienced when both the building and the mobile home were connected to the system indicates to me that the system will continue to function well for the building alone, since the input should now be less.

THE OWTS LOCATED NORTH OF THE AUTO REPAIR SHOP

Another 1000 gallon concrete septic tank was exposed about 12' north of the auto repair shop. This system only has a toilet and sink in the shop as contributing sources of sewage. Mr. Young reports that they have had no problems with this system backing up. Again, the size and location of this STA is unknown, and due to the limited sewage input and good service record of the system, no attempt was made to dig it up.

MY CONCLUSION is that although the size and location of this STA is unknown, this system will continue to adequately handle the very limited input.

Sincerely,

 *David Dwight Royer*

David Dwight Royer, PE/PLS



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Fwd: Therin's Foreign Cars

1 message

James Van Hooser <jamesv@sanmiguelcountyco.gov>
 To: Kaye Simonson <kayes@sanmiguelcountyco.gov>
 Cc: Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Tue, Aug 2, 2022 at 8:30 AM

Kaye,

Please find a letter of support from Art Goodtimes below for Therin's auto repair business. Is this item on an upcoming CPC agenda? -James

----- Forwarded message -----

From: **Art Goodtimes** <shroompa@gmail.com>
 Date: Tue, Aug 2, 2022 at 12:19 AM
 Subject: Fwd: Therin's Foreign Cars
 To: <jamesv@sanmiguelcountyco.gov>

James

We haven't met yet, but I've heard good things.

I look forward to having coffee at some point

If you can submit this comment letter where it needs to go to be included in the official record

Thanks,

Art Goodtimes

970-729-0220


<https://goodtimespoet.blogspot.com>

----- Forwarded message -----

From: **Art Goodtimes** <shroompa@gmail.com>
 Date: Mon, Aug 1, 2022 at 11:51 PM
 Subject: Therin's Foreign Cars
 To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>

Mike

Not sure whom to send this to (I'm presuming the commissioners), but if it's in time can we include it in support of Therin Pace's planning/zoning issues before the County?

Thanks, Art

 Dear Commissioners:

Transportation is a critical issue in San Miguel County and has been since before I was a commissioner. It continues to be so today.

Therin Pace's Norwood operation has been an essential amenity for those of us who have had to commute to Telluride for our livelihoods. In government we often look to the non-profit sector when assisting with big picture items like housing and transportation. But I think we do the community a disservice when we don't look to encourage essential for-profit businesses that help with our community goals, like affordable private transportation.

I urge you to do what you can to allow Therin to continue his operation where it has been located for decades and allow him to continue to service those of us who depend on him to keep our old vehicles running and available for private transport.

We just celebrated the ethic of "people first" that Gay Capps demonstrated in her 50 years with San Miguel County. I hope you will do everything in your power to put the people of Norwood first in applying whatever zoning and planning restrictions contemplated, as applied to Mr. Pace's business.

Sincerely,
Art Goodtimes
42-year country resident
970-729-0220



<https://goodtimespoet.blogspot.com>

--

James Van Hooser
San Miguel County Assistant Manager
970/729-9312 (cell)



AGENDA ITEM 5.a

TITLE:

- A. Discussion regarding Telluride Region Master Plan Update
- B. Discussion regarding Land Use Code amendments

Presented by:

Time needed:

PREPARED BY:

Kaye Simonson, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description: