



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, JULY 14, 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)

9:00 AM Site Visit: SUPs for Artisans, Cultural Events at Lot 4, DCP former mine, CR 62L

1. 10:00 A.M. CALL TO ORDER
2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

June 9, 2022 Minutes
[pc.6.9.22.minutes final.docx](#)

3. 10:00 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant(s): 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 persons to occur at former mine. **MOTION**

[CPC Packet Deep Creek Mine SUP 071422.pdf](#)

5. WORKSESSION:

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

[CPC Project Report LUC Amendment Special Uses.pdf](#)

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

TITLE:

June 9, 2022 Minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.6.9.22.minutes final.docx](#)

Description:

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

June 9, 2022

Online Meeting

Present: Lee Taylor, Chair -online
Josselin Lifton-Zoline, Vice-Chair-online
M.J. Schillaci, Secretary-online
Ian Bald, Member-via telephone

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

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

9:05 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by MJ Schillaci to approve the April 21, 2022 Minutes and the May 12, 2022 Minutes as presented. **SECONDED** by Josselin Lifton-Zoline. **VOTE PASSED 3-0.**

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

9:08 a.m. Ian Bald joined the meeting via telephone

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the planning commission on the Land Use Code amendment regarding wedding venues in the (F) Forestry Zone which was heard by the BOCC on June 8 and was continued to June 15.

John Huebner, the Senior Planner, updated the commission on the SUP granted for Klondike Basin prospective copper drilling. Gabriel Sweet, SUP representative, was in town and reported that they anticipate the project driller to be onsite beginning July 18, 2022, with the laydown operation to begin the week before. To reduce water usage they will be using a water recirculation system on-site that was a condition of the state permits. Klondike will also store water on-site to reduce trip traffic to Naturita for water. They have completed the permit approval and bonding process with the BLM and CDPHE s. Klondike is in the process of applying for permits from SMC Road & Bridge.

Troy Hangen, the Senior Planner, reported regarding the Wedding Bells SUP that the bond is being worked on, and the permitting done. Nicole Gallaway was in town and shared that they are having a hard time finding an available drill to do the work and therefore the project may be delayed.

LAND USE CODE AMENDMENT RECOMMENDATION

Amending LUC Sections 5-313, Park (P) and 5-315 B, Public (PUB), adding housing for First Responders and Essential Personnel as a use subject to One-step Planning Commission approval.

The BOCC has identified affordable housing as a priority, and staff has been reviewing the Land Use Code to determine where amendments can be made to facilitate the creation of more housing. There is a particular need for housing for first responders and essential personnel, for both on-call uses and as seasonal or permanent housing. The County has experienced difficulty in hiring seasonal employees; the lack of affordable housing is considered a factor. Several agencies have noted the need for housing for on-call employees.

The proposed Land Use Code amendments are to allow housing for first responders and essential personnel, in addition to people employed on-site in the Park (P) and Public (PUB) zone districts. The amendment includes proposed definitions; “Essential Personnel” is based on definitions found for federal agencies and departments (e.g. DHS, CDC), while the definition of “First Responder” is based on the definition found in Merriam Webster. The use would be subject to One-step Planning Commission approval, consistent with the current provision for accessory affordable housing for employees in the PUB zone.

Public notice was published and referral agencies were notified.

Janet Kask, Parks and Open Space Director responded with some concerns, noting they do not currently allow overnight usage of parks. This amendment is to make it possible to propose housing, should the opportunity arise. Any future projects would consider all technical and operational concerns and would be developed only with significant input from relevant departments and agencies.

Kaye Simonson shared the county zoning map with the areas that would encompass the amended zoning. It was discussed that the units are envisioned to be smaller, but no details have been established and there are no current plans for construction.

9:40 a.m. Open to Public Comment

9:41 a.m. Closed Public Comment

MOTION by MJ Schillaci to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Sections 5-313 Park (P) and 5-315 Public (PUB), to allow accessory affordable housing for first responders and essential personnel, 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, Purposed of the Land Use Code.

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

Amending LUC Section 5-2 Establishment of Zone Districts and Official Zoning Map, Section 5-201 General, to correct the omissions of Section 3-323 Mixed Use District (MXD) and 5-324 Community Housing (CH)

The Mixed Use Development (MXD) zone district was adopted on July 28, 2021, and the Community Housing (CH) zone district was adopted on December 8, 2021. All zone districts are listed in LUC Section 5-2 Establishment of Zone Districts and Official Zoning Map, Section 5-201 General. When the MXD and CH zones were adopted, staff inadvertently did not include corresponding amendments to Section 5-201 General. This amendment is intended to correct the error. Section 5-201 General would be amended to add the following:

V. Mixed Use Development (MXD) (Section 5-323)

W. Community Housing (CH) (Section 5-324)

Public notice was published and referral agencies were notified.
No public comments were received.

The commission had no questions.

9:47 a.m. Open to Public Comment

9:47 a.m. Closed Public Comment

MOTION by Josselin Lifton-Zoline to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 5-2 Establishment of Zone Districts and Official Zoning Map, Section 5-201 General, for the purpose of correcting omissions in prior Land Use Code Amendments and based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

SECONDED By MJ Schillaci. **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	Abstain	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

WORKSESSION

Discussion regarding Master Plan updates and LUC Amendments.

The Master Plan RFQ is out with the hope to start in September. The commission discussed the topic of how to maintain economic ecosystem health as part of the Master Plan update. The update should also look into sustainability and resiliency for the future and as the plan develops. Kaye iterated that the depth of the plan does need to meet reasonable expectations based on our resources. A draft timeline was discussed for the project completion and expectations for the RFQ and collection processes for data and public input were discussed.

The BOCC had given direction to the Planning Department to look at the Natural Resources portion of the Land Use Code. The code needs to be updated for Oil & Gas to match new COGCG regulations. Mining is also developing new state regulations. Kaye Simonson, Planning Director also shared a long list of potential amendments to be addressed including logging, wildlife, renewable energy, and wildfire. Wildfire issues are one of the top items on the list of priorities for the BOCC.

The commission brought up the topics of oversight and compliance with the Land Use Code and the code potentially addressing how to do that.

1:38 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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AGENDA ITEM

TITLE:

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Location: Deep Creek Road

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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 persons to occur at former mine.

MOTION

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Deep Creek Mine SUP 071422.pdf](#)

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine

Date: July 14, 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 July 14, 2022.
4. Application and Supplements submitted by Daniel Collins, Collins-Morehead LLC dated May 5, 2022.
5. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 21, 2022.
6. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on July 6, 2022.
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 29, 2022.

AGENCY COMMENTS

8. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June 10, 2022.
9. Email received from Mike Bordogna, County Manager, to John Huebner, Senior Planner, dated June 20, 2022.
10. Email received from Scott Heidergott, Telluride Fire Marshal, to John Huebner, Senior Planner, dated June 21, 2022.
11. Email from Daniel Collins, Applicant, to Scott Heidergott, Telluride Fire Marshal dated June 29, 2022.
12. Email received from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated June 27, 2022.

13. Letter received from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated June 28, 2022.
14. Letter received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated June 28, 2022.
15. Email received from Randee Reider, Colorado Division of Transportation, to Planning Department dated June 10, 2022.
16. Email received from Jennifer Dinsmore, County Sheriff's Office, to John Huebner, Senior Planner, dated June 29, 2022.

PUBLIC COMMENT

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permit application to allow for a Light Industrial, research and development facility for artisans and craftsmen, together with Special Use Permit application for Public Facilities to allow specific cultural events to occur at the former mine
DATE: July 14, 2022

["Z:\Applications\2022_Deep Creek Mine_SUP\1 Staff Memo(s) and Resolution(s)\CPC Project Report -Artisan, Public events SUPs 7.14.22.docx"]

Background

On April 4, 2016, a pre-application conference summary letter was issued regarding rezoning Lot 4, Deep Creek Placer, from Forestry, Agriculture and Open (F) to Heavy Commercial (HC), and for a Special Use Permit to allow a light industrial, research and development facility for artisans and craftsmen and for public facilities to allow specific cultural events to occur at the former limestone mine property. On November 14, 2016, an application was received for rezoning of the property from Forestry, Agriculture and Open (F) to Heavy Commercial (HC). While the application for a Special Use Permit was submitted concurrent with the rezoning application, it was found to be incomplete and was not heard. On April 24, 2017, the Board of County Commissioners approved the request to rezone the property in Resolution #2017-11.

A variety of uses are occurring regularly at the mine, including special cultural events attended by the public, despite not having obtained the necessary approvals from the County. Staff has notified the property owner that it is imperative that Special Use Permits be obtained so that moving forward any and all of these uses and public events are in compliance with the San Miguel County Land Use Code.

The property was actively mined for limestone through 1995. The applicant completed the Colorado Division of Reclamation, Mining and Safety (DRMS) reclamation requirements for the site in 2021.

Proposal

Dan Collins, Managing Partner, on behalf of Collins-Morehead LLC, submitted an application, received May 25, 2022 seeking Special Use Permits for light industrial, research and development facilities for artisans and craftsmen and, for various “cultural events” for the public at the former limestone mine, a 47-acre property, Parcel No. 456326400028, zoned Heavy Commercial (HC). The property is located 7 miles west of the Town of Telluride on the north side of Highway 145 off County Road 62L, Deep Creek Road. The special uses proposed in the Heavy Commercial (HC) zone require One-step review by the Planning Commission pursuant to Land Use Code Sections 5-307 B. III. & IV., Heavy Commercial, 5-407 Wildlife Habitat Areas, and 5-10 Special Uses.

The subject property is located across State Highway 145 from both the San Miguel County Road and Bridge and 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 and

with dirt and rock surfaces under foot. The enclosed Project Map identifies various locations for storage, drum studio, wine storage, access portals, work studios, work kitchen, exterior portable bathroom, and storage racks. The provided Site Map further identifies an outdoor open strip mined area, aka “equipment apron” on about 2 acres and a 12% graded access driveway. There is adequate parking located onsite for the proposed daily uses. The applicant states that parking for special events partially occurs onsite but overflows on to Deep Creek Road (CR62L).

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 work space is used by local artisans and craftspeople engaged in activities that cannot be conducted elsewhere within the Telluride Region.

An outdoor event space is proposed on the equipment apron to host cultural activities involving up to 199 persons. The approximately eight events proposed per year occur during the fall, winter and spring, usually 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. The proposed events calendar includes:

No.	Events	Notes
1	Mountain Film Burn	May annual
2	Original Thinkers Event	Early October Annual or semi-annual
3	Halloween Burn	October potentially annual
4	Winter Solstice Burn	December annual
5	4 Private events	TBD

The applicant states the subject property is an appropriate location “given the character of the proposed activities (e.g. cultural events and art displays). In addition the special events are operated to protect public health, safety and welfare. Event protocols in place at the Deep Creek Mine include:

All events are limited to less than 200 individuals.
Appropriate safety procedures are reviewed by all Deep Creek staff participants prior to each event and training is given as needed to all staff.
Control points for public access are established at the entrance to the property.
Parking is controlled and directed along adjacent County Road.
For any event involving fire, notification of appropriate local authorities (e.g., Sheriff’s department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force.
PPE (personal protective equipment) as defined by OSHA (https://www.osha.gov/SLTC/ personal protective equipment/) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro-technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
Appropriate portable lighting is provided along access road for pedestrian traffic.
Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.

Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the Telluride Fire Marshal. (See Exhibit G)

First aid kits are provided at well-labeled stations around the site.

Trained personnel are on site with certifications in CPR and basic first aid.

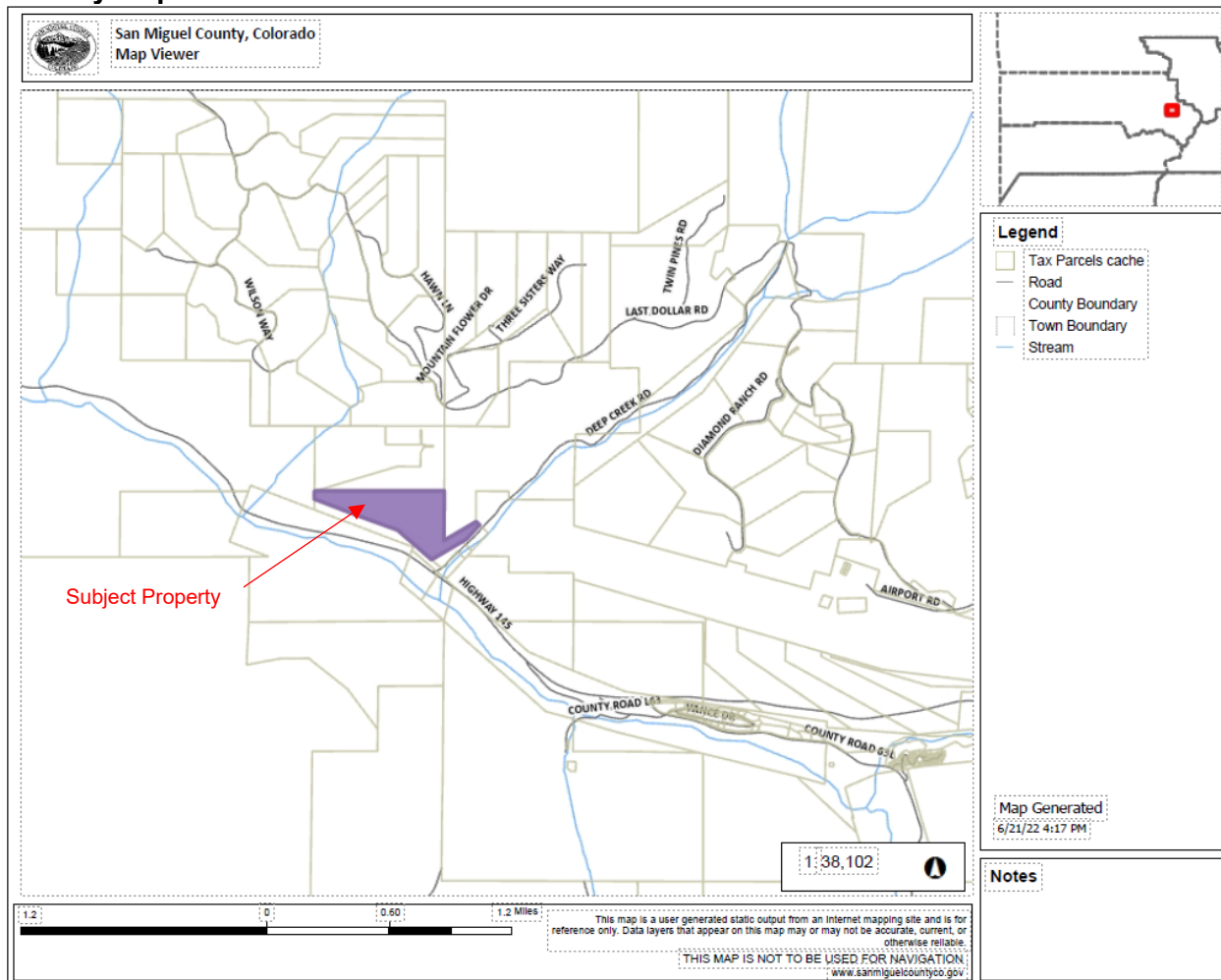
Individuals on site have been trained in professional firefighting methods.

Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all attendees

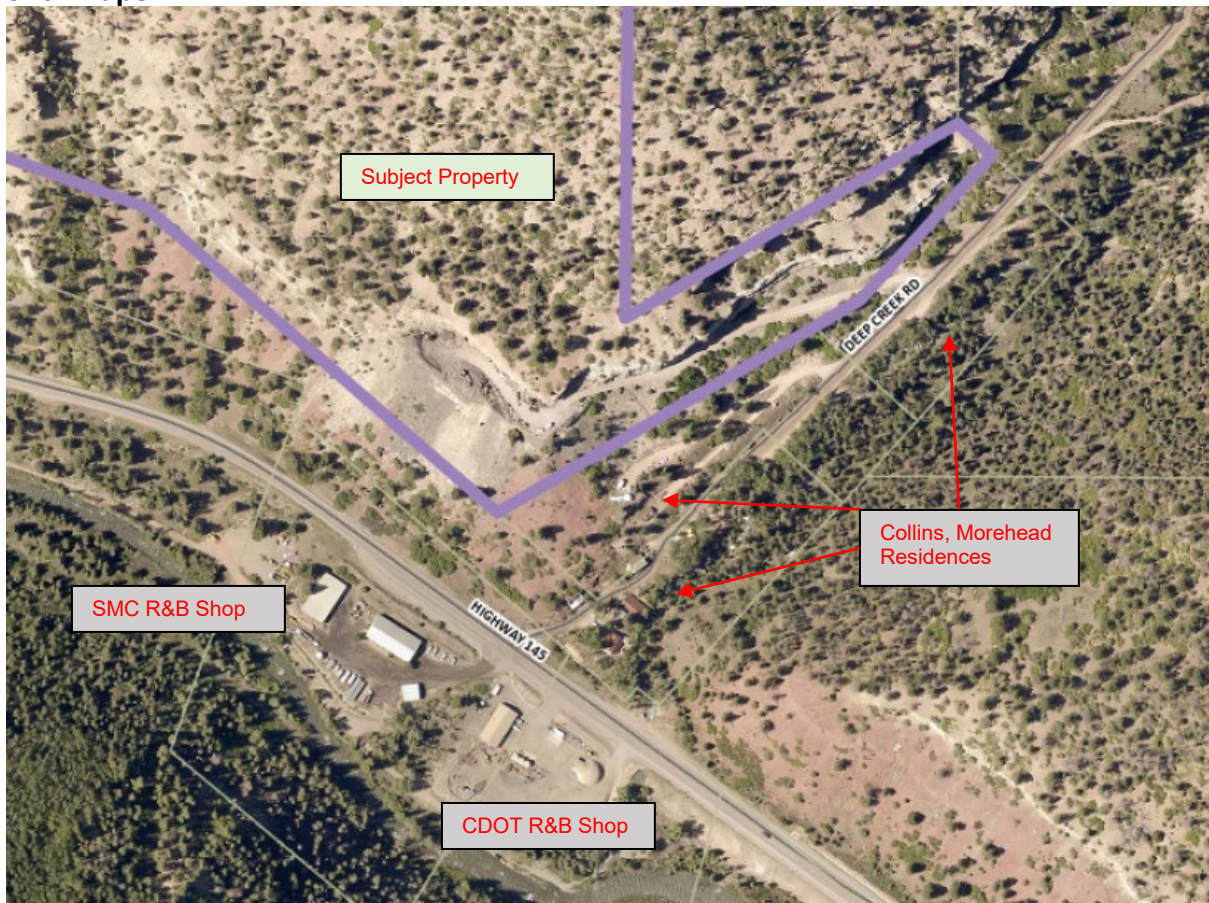
No individuals are allowed past clearly marked interior doors and gates within the mine proper.

The applicant notes Deep Creek staff are working with the State Electrical Inspector to obtain permits and approval of the electrical system, the Telluride Fire Marshal regarding development of a fire protection plan and adequacy of ventilation, and with the County Building Official to determine if there are any Building Code compliance issues, particularly with regard to assembled uses.

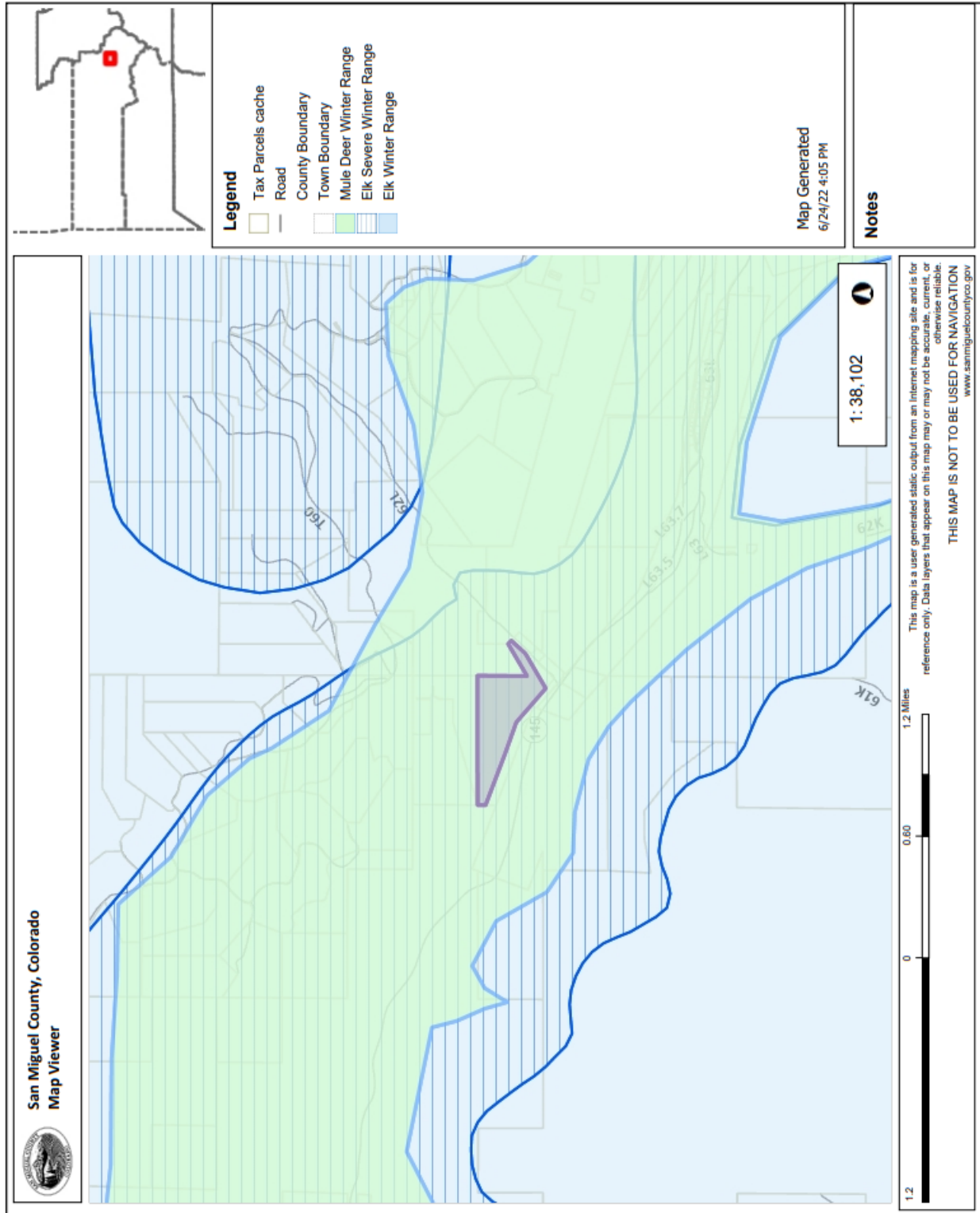
Vicinity Map



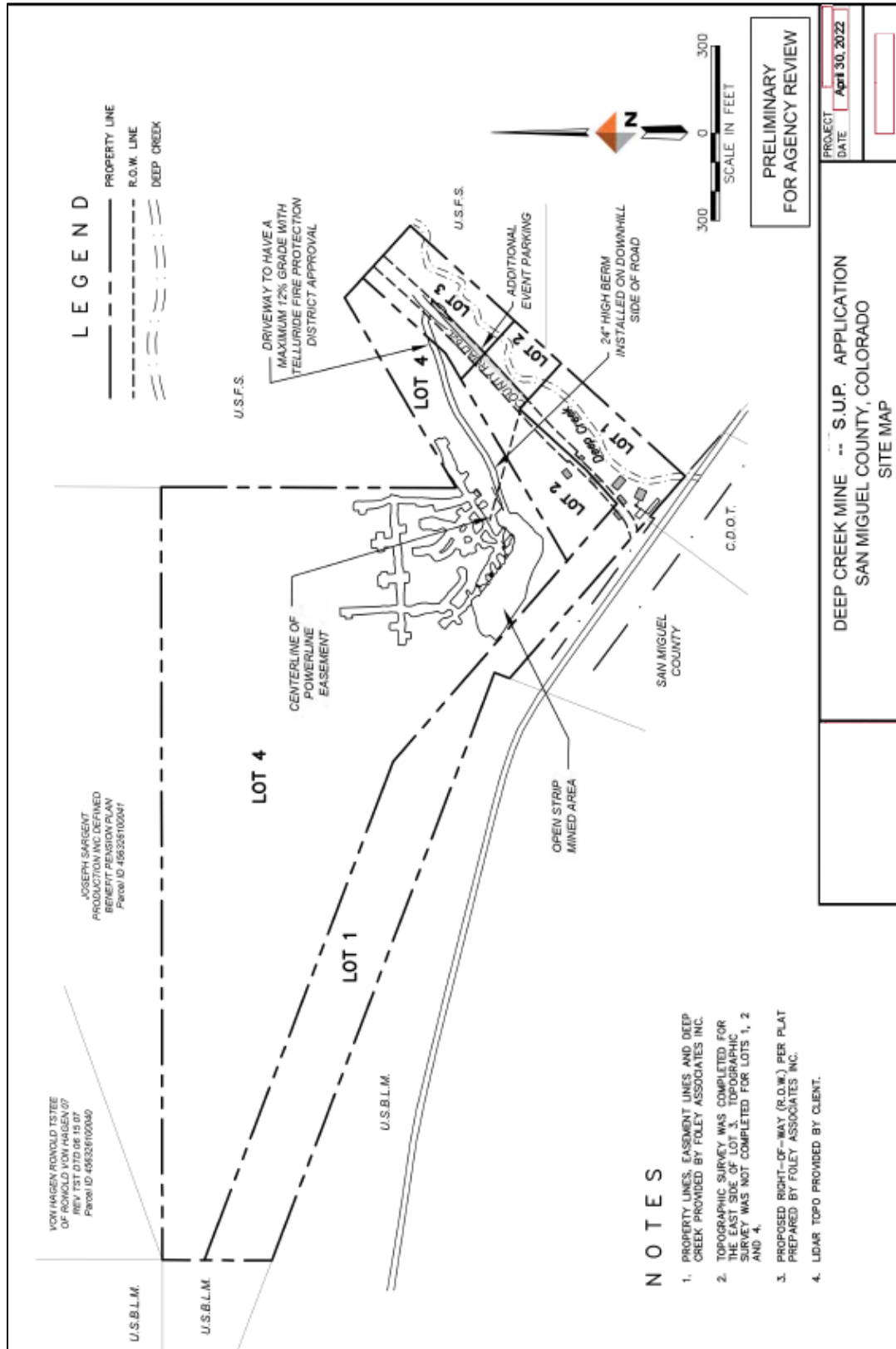
Aerial Maps



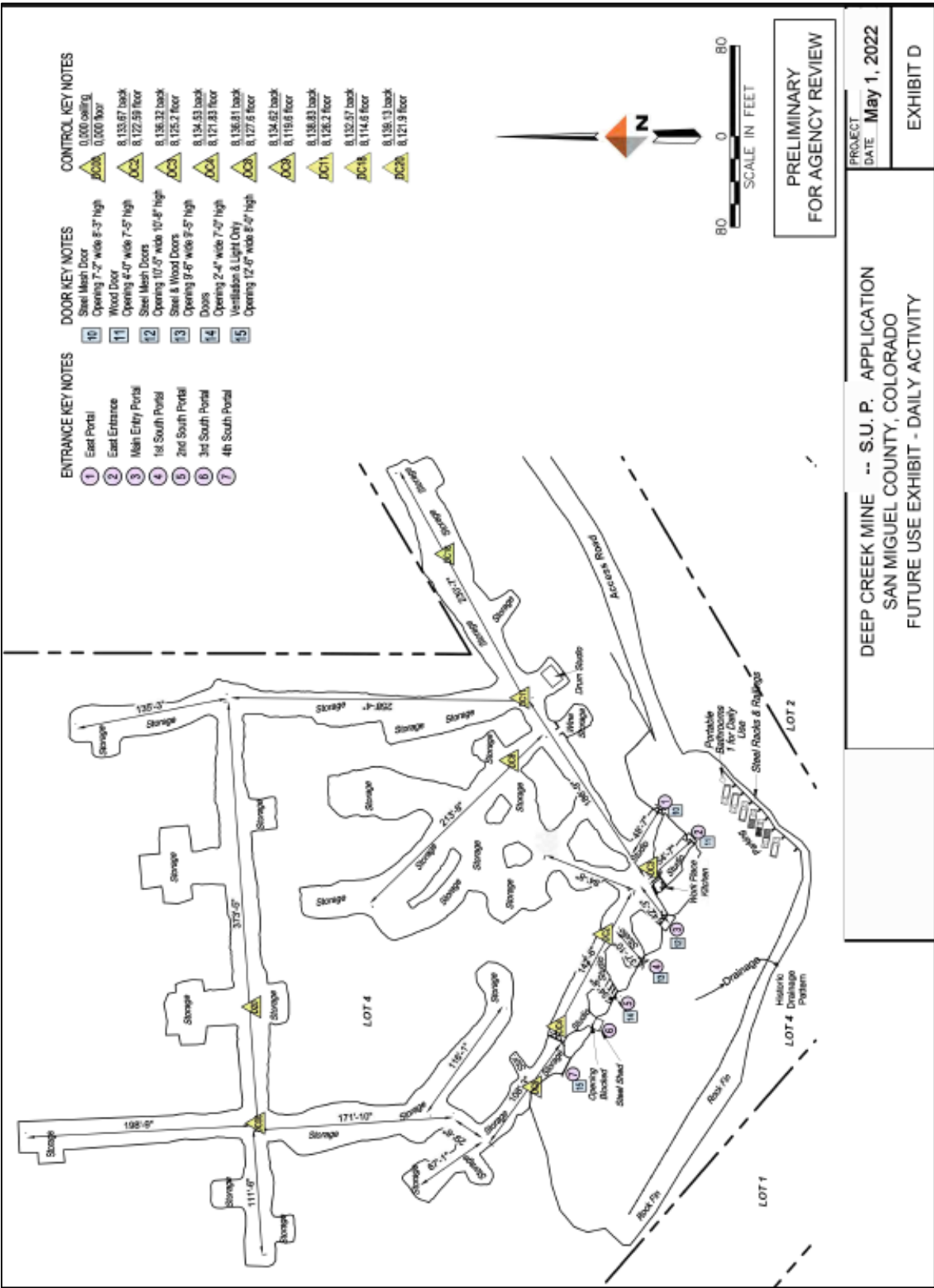
Wildlife Map



Site Map



Project Map



Review Standards and Policies

Land Use Code Section 5-308 B. III. and IV. establishes review standards for review of Uses Allowed Subject to One-step Planning Commission Approval for an application for a Light industrial, research and development facilities special use permit and for a Public facilities special use permit, which the applicant must address in the Standards Report required by Section 4-206. Applicant notes are underlined. *Staff analysis is in italics.*

5-308 HEAVY COMMERCIAL (HC)

5-308 B. Uses Allowed Subject to One-step Planning Commission Approval

III. Light industrial, research and development facilities;

IV. Public facilities (excluding those allowed in the F Zone District);

Applicant provided a letter from DRMS stating that a full application for “post mining use” has been successfully completed and approved. The official notice that Lot 4 has been released from DRMS oversight is dated October 11, 2021.

5-308 C. Area and Bulk Requirements

II. For multiple uses:

- a. 2 acre minimum lot size
- b. 200 ft. minimum lot width
- c. 50 ft. setbacks all sides
- d. 35 ft. height limit

5-308 D. Minimum Off-street Parking Off-street parking shall be provided for each principal use as required in Section 5-702.

There is adequate parking for the proposed daily uses by local artisans and fabricators and for proposed storage use. There is not adequate parking located on site for the public events. Overflow parking has occurred on County Road 62L, Deep Creek Road, which is narrow and cannot support on road parking.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to 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 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All 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.

5-1002 A. Consistency with Master Plan, Land Use Policies, Zone District and neighborhood

The Use shall be:

- I. Consistent with the County Master Plan;
- II. Consistent with County Land Use Policies in Article 2;
- III. Consistent with the purpose of the Zone District in which it is proposed to be located;
- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;
- V. 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.

The applicant states the proposed uses will serve the local community and provide a “protected space” for a range of creative industrial and experimental activities.

With respect to impacts on surrounding areas, all proposed special uses are consistent and compatible with the neighborhood character and land uses adjacent to the parcel. The state and county road maintenance shops across the highway have been in continuous use, including during active mining operations that occurred until 1995 on the subject property, and during reclamation and rezoning of the property to Heavy Commercial in 2017. The property is unique, and provides facilities not found elsewhere in the county. Primary concerns for public health, safety and welfare are related to fire safety and suppression, and emergency egress.

5-1002 B. Impacts on Surrounding Area

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, 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.

The activities are appropriate to the Heavy Commercial zone because of associated noise/smells relative to the processes such as metal fabrication (e.g. portable grinders, drills, and saws).

cultural events (outdoor music) and operation of diesel equipment.

Temporary sanitary facilities can be provided for events. However, the site can only handle limited parking, and County Road 62L/Deep Creek Road is not suited to parking.

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.

We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours.

Water is provided to the site via - (well? cistern?). Portable toilets are provided for events and other uses. Handwashing stations and ADA-accessible units will be required. The Telluride Fire Marshal is reviewing the proposal and will be providing recommendations related to fire safety and suppression.

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;

Anton Viditz-Ward manages a collective of 7 artisans and fabricators who work at the mine. They could be on site any day, at any hour. Renters of storage space are seldom on the property. There

are 15 storage renters coming and going as they please, but most renters are only in the mine once in a 2-month period. In addition, we are proposing an average of eight public events annually (see attached typical calendar – EXHIBIT D).

The artisan and fabricators are mostly in the main southwest area, near the entrances, with the exception of the drum studio, and the remainder is storage. Storage space renters tend to access the mine infrequently.

- II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;

Initial upgrades to the interior work corridor have been completed, upgrades are ongoing for the circulation corridors. Portable lighting will be provided as needed to ensure safety to events.

Any exterior event lighting should be placed so as to not create glare, especially as seen from the highway.

- III. Signs - all Signs must meet Section 5-704 standards;

Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use 2) Safety Notices at entrance and inside of mine stipulating use of hard hats, egress, and other safety considerations (per Exhibit J to application).

- IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;

All water/sewer requirements will be satisfied with portable water storage and sanitary units.

Well Permit number 16536-F, is a commercial well, and may provide water for the proposed events. The applicant may be using a cistern to store well water?

- V. Drainage plan;

Drainage outflow location identified by applicant (per Exhibit G to application).

- VI. Grading plan;

- VII. Dust control plan;

The regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants.

- 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;

No revegetation was required by DRMS for reclamation. All available land will be utilized for proposed activities. The process of repurposing the mine has not created disturbed surfaces

over one acre, however, we will continue efforts to mechanically control noxious weeds as identified by SMC.

X. Wildlife Plan (see Section 5-407 A. XII.); and

Applicant state there is no overlap with CPW mapped wildlife habitat area.

Staff has included a Wildlife Map with this memorandum. Subject property is within Mule Deer and Elk Winter Range and Elk Severe Winter Range as mapped by Colorado Parks and Wildlife. Given the nature of the use, elk & deer are not typically around the mine.

Exhibits include a Vicinity Map, a Site Map, a Plat Map, Master Plan of Mine, Future Use / Daily and Annual Activities, Cultural Events Plan, Fire Egress Plan, Electrical Layout, Existing Conditions Map, and Reclamation Map that generally address the above items.

XI. Additional permits as necessary from other agencies.

Applicant noted in earlier communications with the Planning Department, that we are working with the State Electrical Inspector to obtain permits and approval of the electrical system. We have also worked with the former Telluride Fire Marshal, Jim Boeckel, regarding development of a fire protection plan and adequacy of ventilation. We will review that plan with Scott Heidergott, the new Fire Marshal, to determine what his requirements will be. Our understanding is that we 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 we satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. We will work with Matt Gonzales to determine if there are any Building Code compliance issues. We are eager to complete the process of obtaining the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

The Telluride Fire Protection District Fire Marshal, Scott Heidergott, stated in a discussion 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 must be provided for the fire department, 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 occupied areas of the mine facility. Egress signage throughout the mining facility must be inspected on completion. Also, no fire events are to be conducted in the interior of the mine facility.

The Building Official states that a building permit is required for the proposed special uses to assure compliance with building code requirements. Issues that will need to be addressed include emergency egress, ventilation rates, accessibility, fire suppression, and bathroom facilities. He recommends that additional time be provided to allow the Applicant to prepare the requisite documentation to address potential building code issues.

5-1002 F. Review 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. If the owner 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. 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.

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. 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 permitted and/or commenced, 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.

Review 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.

- II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be 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 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 Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

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.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

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

- I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
- II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
- III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.
- IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.
- V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.
- VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
- VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.
- VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

- IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:
- a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
 - b. Fence is limited to 42: in height;
 - c. At least 12” between the top two wires or rails;
 - d. At least 16” between the bottom wire or rail and the ground;
 - e. Posts at minimum 16’ intervals;
 - f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
 - g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
 - h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife passage.
 - i. Perimeter fencing of an entire parcel is discouraged.
 - j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, www.wildlife.state.co.us

- X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.
- XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.
- XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution 1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal

control rules and regulations.

- XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

- I. Overgrazing of ranges by livestock shall be prohibited.
- II. Development shall be restricted to areas in which wildlife impacts can be minimized.
- III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.
- IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Colorado Parks and Wildlife (CPW) commented that the use of fencing should be minimized and that bear proof trash cans and dumpster should be used on the property. There is no prohibition on events or special uses requested by CPW.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality

Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

- 5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;
- 5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;
- 5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;
- 5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;
- 5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;
- 5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;
- 5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and
- 5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

Applicant states there is no impacts or changes to existing condition regarding scenic quality.

*The property is more than 100 feet from the highway, outside of the scenic overlay zone.
Applicant should provide exterior lighting plan (permanent; special events).*

Public Noticing

Per the requirements of LUC Section 3-9, the Public Notice and required sign posting on the subject property was completed by the Applicant on June 21, 2022 for the Planning Commission public hearing. The posting of the required sign was photographically documented. As required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 29, 2022 for the Planning Commission public hearing to be held on-line Thursday, July 14, 2022.

Referral Agents

The applicant was provided to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service for review and comment.

Referral Agency Comments

Michael Bordogna, County Manager, expressed concern with the interior storage of flammable materials-gas tanks, or welding tanks and with hosting the public inside the facility for a fire event.

Scott Heidergott, TFPD Fire Marshal, provided the following preliminary comments:

- 1) A fire lane shall be maintained from CR 62L to the mine parking area.
- 2) A fire apparatus turnaround to meet 2018 IFC Figure D103.1 shall be maintained and clear at all times.
- 3) A monitored alarm notification system per NFPA 72 shall be installed in occupied areas.
- 4) Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshal. (See Exhibit G). I was unable to find information on Exhibit G and there is no SMC Fire Marshal, I assume it meant TFPD Fire Marshal.
- 5) No fire events to be conducted inside the mine.
- 6) Egress signage throughout to be inspected on completion.

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

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

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 recommends the minimal use of fences and that bear-proof trash cans and dumpsters be used at all times on the property.

No comments were enclosed in responses received from CDOT Region 5 Access Manager and the County Sheriff.

Public Comments

As of the writing of this report, no public comments have been received.

Discussion

County staff acknowledges that it requires additional information concerning public and building safety items (e.g. ingress/egress, alarm and fire suppression systems, electrical system, adequacy of ventilation, compliance with Building Code, and parking) related to the special uses proposed at the former mine facility.

Planning staff recommends that the Planning Commission continue today's public hearing to a date and time certain (August 11, September 8, or October 13) to allow for adequate time for the applicant to provide additional information and supplemental documents responsive to requests received from referral agents, county staff, and the Planning Commission. A cutoff date should be established by which the Applicant must provide the requested documentation in order to allow county staff and review agencies adequate time to review the provided materials prior to the scheduled date for the continuation of this public hearing.

The Applicant is requested to provide the following:

- Respond to the safety requirements identified by the Telluride Fire Marshal to be able to submit and obtain necessary Fire permit approvals.
- Work with San Miguel County Building Official to determine issues that must be resolved in order to obtain necessary Building permit approvals.
- Contact Colorado Department of Transportation and obtain an updated access permit for the proposed special uses, if required.
- Respond to issues and comments enumerated by the Planning Commission today, if any.

Planning staff anticipates that any future approval of the proposed special uses by the Planning Commission will include requirements to:

- Transport members of the public to and from the mine from locations in Telluride and Mountain Village for the proposed cultural events.
- Obtain SMC Building Permit for former mining facility for proposed special uses.
- Obtain Telluride Fire Marshal safety signoffs.
- Comply with CPW comments regarding the use of fences and bear-proof trash cans and dumpsters on the property.
- Provision of ADA sized porta-toilets and handwashing stations on site for public events.
- One-year annual review.

Sample Motion

I move to continue the public hearing for Collins-Morehead LLC - Lot 4, Deep Creek Placer: Special Use Permits application to insert date. 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 requirements 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 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:

Dan Collins, Managing Partner
Collins-Morehead LLC
1417 S. Grandview Dr.
Tempe, AZ 85281

Dan.collins@asu.edu
480-206-2037

May 5, 2022

Kaye Simonson, Planning Director
San Miguel County Planning Department 333
W Colorado Avenue
3rd Floor / P.O. Box 548
Telluride, CO 81435 Phone:
970-728-3083
Fax: 970-728-3098

Cc: Laurie Lundquist, Anton Viditz-Ward

RE: *1. Pre-application Conference Summary for a 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 to occur at former mine.*
2. Conditions of approval for Deep Creek Subdivision Exemption.

Dear Kaye: Using the guidelines outlined in your letter of March 31, 2022, I am providing information using the format of the LUC Submission Requirements. As you included both the SUP and the Subdivision Exemption requirements in the same letter, I have addressed both issues in a single document. I'm hoping both items #1 and #2 can be addressed in the same meeting that we'd like to request for the second Thursday in July (July 14, 2022).

4-202 **Required Background Information**

Please find contact information at the top of this letter. The Collins and Morehead families own four lots at the foot of Deep Creek Canyon, free of liens and mortgages—Lots 1, 2, 3 & 4.

4-203 **Parcel Description**

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County (see Exhibits A, A1, and A2).

Street Address:
26 Deep Creek Road, Telluride, Colorado 81435

Legal Descriptions:
The current description for the entire property is as follows:
DEEP CREEK PLACER NO. 16025 ACC TO MAP REC 07 06 98 IN PLAT BK 1 PG 2397 68.21 AC MOL

The current descriptions for Lots 1, 2, 3 & 4 are as follows (per SMC interactive map):

LOT 1 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 SEC 25&26 T43N R10 LESS 0.047AC PER WD AT 458297 04 26 2019 TOTAL AREA CONT 14.983AC FORMER PARCEL A DEEP CREEK PLACER NO 16025

LOT 2 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 3.67 AC SEC 25 AND 26 T43N R10W

LOT 3 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 2.72 AC SEC 26 T43N R10W

LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 46.79 AC SEC 25 AND 26 T43M R10W

4-204 Disclosure and Proof of Ownership

Sufficient information to demonstrate Proof of Ownership.

As demonstrated by attached documents, *Collins-Morehead LLC Deeds & Authority* (See Exhibit B)

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

As demonstrated by the attached document, "*Collins-Morehead_LLC_Deeds*," I am one of four legal owners of Lot 4. Along with my wife, Laurie Lundquist Collins, I also own Lot 1. Lois and Jon Morehead, my sister and brother-in-law, own Lots 2 and 3. As the Managing Partner of Collins-Morehead LLC, I am authorized to act in making application for meeting the terms of the mine SUP (Lot 4) as well as the conditions for the Subdivision Exemption as applied to Lots 1, 2 & 3. (See Exhibit B. Proof of Ownership and Legal Access)

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (see Exhibit C)

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards. This Standards Report is your written narrative explaining how your proposal meets the standards for Rezoning as set forth in LUC Section 5-1803 A. thru C. and also how your other proposed uses will meet the standards in Section 5-308 HC Zone District Standards and Section 5-10 Special Use Standards.

NARRATIVE

1. On June 20, 2017, BOCC approved a change in zoning for Lot 4 Deep Creek Placer (The Mine) from Forest and Ag (F) to Heavy commercial (HC) to allow for Research Development and Artist/Craftsman workspace for Lot 4 (formerly a limestone mine) was heard and approved, per the standards for Rezoning as set forth in LUC Section 5-1803 A through C. The current application, a Special Use Permit (SUP), submitted concurrent with the rezoning application, was found to be incomplete. *See below (p. 2) for detailed explanation: #1 Special Use Permit (SUP) for Lot 4.* (See p. 8 for a detailed response to the Planning Director's assessment as to why the initial SUP application was found to be incomplete).

2. On April 24, 2017, BOCC identified outstanding conditions to be met with respect to the application for a Subdivision Exemption related to Lots 1, 2 & 3. *See below (p. 9) for detailed explanation:*

#2 Outstanding Conditions for Meeting the Terms of the Subdivision Exemption for Lots 1, 2 & 3

#1 – Special Use Permit (SUP) for Lot 4

Location

The location is 7 miles west of Telluride at the NW corner of the confluence of the San Miguel River and Deep Creek. The legal description is as follows:

LOT 4 DEEP CREEK PLACER SUBDIVISION REC JUNE 22 2017 449067 PB1 PG4931-4932 46.79 AC SEC 25 AND 26 T43M R10W

Lot 4 is an approximately 47-acre parcel, recently rezoned as Heavy Commercial (HC). Previously, the parcel was zoned as “Ag/Forest” (F) and was a permitted limestone mine under the jurisdiction of the Colorado Division of Reclamation, Mining, and Safety (DRMS). It was actively mined for limestone up through about 1995. All of the requirements set forth by DRMS for reclamation were met in 2021. One of the stipulations for approval of the proposed reclamation plan to the State was to conform to County zoning/land-use codes. Lot 4 is now under the jurisdiction of San Miguel County. The current owner is Collins-Morehead LLC. The local contact/manager is Dan Collins, who is co-owner with his wife, Laurie Lundquist; his sister, Lois Morehead; and his brother-in-law, Jon Morehead. Currently the mine has evolved to support a variety of “non-mining uses” including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. An additional objective is to use the “equipment apron” – an outdoor event space – approximately six times a year for cultural activities involving less than 200 people associated with Telluride Arts, the Mountain Film Festival, Deep Creek Experimental, and the Telluride Institute and other local non-profits (501c3).

The owners see the potential of the property as not only providing much needed work-space for local artisans and craftspeople engaged in activities that cannot be conducted within the Town of Telluride Region, but also a significant public amenity that can support specially permitted cultural activities, some of which fall outside the logistical possibilities of facilities in town. A “first pass” at a schedule showing the frequency and duration of such events is included in this submittal. (See Exhibit D - Calendar of Events)

5-1803 Rezoning Completed for Lot 4

Per the Land Use Code, “rezoning 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 standards in this Section.”

As a co-owner of the above specified property, Dan Collins initiated the rezoning process. The rezoning application was heard and approved on June 20, 2017 by the BOCC. (see Exhibit E – BOCC Resolution)

As per stipulations of LUC 5-1803 with respect to San Miguel Canyon, there were no conflicts with the proposal with any applicable sections of the Land Use Code. Further, our 2017 plan was consistent with the San Miguel County Comprehensive Development Plan, surrounding Zone Districts, and land uses. Specifically, the property is directly across Colorado State Highway 145 (on the north side) from both the SM

County Road shed and the Colorado State Highway department (CDOT)—that is, the “neighborhood” has long been defined by industrial uses. The only residential neighbors near the mine property occupy dwellings also owned by member of the Collins and Morehead families on what has been known historically as Parcel A — the approximately 20 acre parcel along the creek bottom at the mouth of Deep Creek. “Parcel A” was re-named “Lots 1, 2, & 3” when the property was officially re-platted during a sub-division exemption process (see attached “Site Map”). Notification of our plans for change of zoning were sent to neighbors and agencies with abutting properties on Deep Creek mesa and in the canyon and were published, per DRMS requirements, in the local paper and available for review to the general public in the County records department. A sign with our intentions was posted in April of 2016 on the main gate at the base of the access road to the mine. An additional notification process to adjacent neighbors was conducted upon successful completion of the application process.

Given the limited number of regular users of the property, we anticipate no excessive demands on public facilities (principally the adjacent County Road). Sewage and water requirements for onsite users are met by professional service contracts (providing portable toilets) transportable sanitary water tanks using Town of Telluride water). During those few events (approximately eight events annually) in which larger groups are on site, history shows that parking can be reasonably accommodated along the side of Deep Creek Road where there are numerous stretches with turn-outs and sufficient width to allow cars to be parked out of the active roadway. (See attached Exhibit C. Site Map). No significant impacts on the local environment are anticipated as the result of the proposed uses. As already indicated, the proposed range of uses is compatible with the character of the local “neighborhood.” There are no conflicts anticipated with the “public interest.” Indeed, we see the approval of our proposal providing a pathway for a range of activities that will afford significant public benefit. From our initial posting and interviews with neighbors for the change in post-mining uses with DRMS, we have received no objections to the proposal. As indicated, there are no significant impacts on local transportation or safety issues.

5-308: Heavy Commercial (HC)

We understand that the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. We feel that the proposed zoning change provides a location for new commercial activities that will serve the local community and provide a “protected space” for a range of creative industrial and experimental activities. Some of the activities we envision for the property are (only) appropriate to the HC Zone District because of associated noise/smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (music events), and equipment (diesel equipment operation).

The specific uses we are proposing for the property include a number of the activities that fall under the one-step review process, including: storage; manufacturing; light industrial; research and development facilities; public facilities; staging for construction contractors; and auto repair shops in compliance with the additional list of requirements for the housing, storage, and handling of hazardous wastes, etc. related to auto repair, as per LUC 5-308 B XII).

The area of the proposed facility exceeds the minimum requirements for size and vertical clearance. The

underground portion of the facility alone comprises approximately 65,000 square feet with an average ceiling height of some 20 feet. See attached plans showing breakdown of proposed uses. The outdoor “equipment apron” occupies about 2 acres. There is adequate parking on site for the full range of proposed day to day uses. (See Exhibits D – H). As indicated in Exhibit C, overflow parking for special events can be handled via parking along Deep Creek Road (County Road 62L). (See Exhibits D – H).

5-10: Special Uses

We understand that Special Uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards, and policies.

We submit that our proposal for Special Uses is consistent with the San Miguel County Master Plan, Land Use Policies, Zone District, and our Neighborhood. The proposal is appropriate given the character of the proposed activities (e.g., cultural events and art displays). All Special Use events are designed, located, and proposed to be operated so that public health, safety, and welfare are protected. In addition to standard common sense, a number of steps and considerations are initiated before any event/kinetic display is scheduled for the Deep Creek Mine. These include:

- All events are limited to less than 200 individuals.
- Appropriate safety procedures are reviewed by all Deep Creek staff participants prior to each event and training is given as needed to all staff.
- Control points for public access are established at the entrance to the property.
- Parking is controlled and directed along adjacent County Road.
- For any event involving fire, notification of appropriate local authorities (e.g., Sheriff’s department) as to time and size of event will be initiated by event director. No fire events will be conducted when regional fire restrictions are in force.
- PPE (personal protective equipment) as defined by OSHA (<https://www.osha.gov/SLTC/personalprotectiveequipment/>) are utilized to the highest professional standard. For example, for those individuals directly involved in pyro-technical displays, full asbestos-lined suits, helmets, gloves, and boots are utilized.
- Appropriate portable lighting is provided along access road for pedestrian traffic.
- Portable toilets are provided in a number sufficient to service a given group. Potable water is provided at well-labeled stations around the site.
- Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshall. (See Exhibit G)
- First aid kits are provided at well-labeled stations around the site.
- Trained personnel are on site with certifications in CPR and basic first aid.
- Individuals on site have been trained in professional fire fighting methods.
- Appropriate protective gear (e.g., earplugs and helmets) are provided free of charge to all

attendees.

- No individuals are allowed past clearly marked interior doors and gates within the mine proper.

With respect to impacts on surrounding area, all activities are compatible with the Character of Parcels adjacent to the proposed Special Use site and are appropriately expressed in terms of appearance, scale and features, site design, landscaping, plant regime, 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. Public facilities and services shall be provided to serve any reviewable use including, but not limited to roads, potable water, sewer, solid waste, fire protection, and drainage systems. In the initial application for HC zoning, there was a question about the status of the bond established in the mid 1980s with respect to the reclamation of the property per the requirements of DRMS. The terms of that bond have been satisfied and the bond has been retired (see EXHIBIT H)

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

- I. *Exhibits including a Vicinity Map, a Site Map, a Plat Map, Master Plan of Mine, Future Use / Daily and Annual Activities, Cultural Events Plan, Fire Egress Plan, Electrical Layout, Existing Conditions Map, Reclamation Map address the following:*
 - a. *Ownership, Use and zoning of all adjacent Parcels (See Exhibit B);*
 - b. *Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan (see Exhibits A, A1, & A2);*
 - c. *Easements (see Exhibit I);*
 - d. *Location and dimensions of Structures (see Exhibit G – Existing Conditions);*
 - e. *Typical elevations/Heights of such Buildings (N/A);*
 - f. *Landscaping (N/A);*
 - g. *Topography (as per contour lines on Exhibit G);*
 - h. *Specific areas proposed for specific types of land Use/the identification of specific land Uses (see Exhibit G); 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. As follows:*

Anton Viditz -Ward manages a collective of 7 artisans and fabricators who work at the mine. They could be on site any day, at any hour. Renters are seldom on the property. There are 15 storage renters coming and going as they please, but most renters are only in the mine once in a 2-month period. In addition, we are proposing an average of eight public events annually (see attached typical calendar – EXHIBIT D).
- II. *Lighting plan.* Initial upgrades to the interior work corridor have been completed, upgrades are ongoing for the circulation corridors. Portable lighting will be provided as needed to ensure safety to events;
- III. *Signs - Must meet Section 5-704 standards.* Signage currently posted includes: 1) a notice at entrance to property on gate describing proposed changes in property use 2) Safety Notices at entrance and inside of mine stipulating use of hard hats, egress, and other safety considerations (per Exhibit J);
- IV. *Water/sewer plan must meet state standards and may include verification of a commercial well permit;*

- All water/sewer requirements will be satisfied with portable water storage and sanitary units.
- V. *Drainage plan.* (As per Exhibit G - see drainage outflow location);
 - VI. *Grading plan.* (As per Exhibit G)
 - VII. *Dust control plan.*
Regular application of approved environmentally safe dust control product (e.g., EnviroSeal polymer) is being utilized in select areas where traffic warrants.
 - VIII. *Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;* (see attached Site Map, Exhibit A2)
 - IX. *Weed control plan that must include use of weed free hay or straw;* (N/A)
 - X. *Fencing Plan.* (As per Exhibit E); and
 - XI. *Additional permits as necessary from other agencies.* (viz., Electrical Plan – Exhibit K))
 - XII. *Wildlife Habitat* (No overlap with CWP mapped wildlife habitat area)
<https://ndismaps.nrel.colostate.edu/index.html?app=propertyfinder&keyword=public&value=San%20Miguel%20SWA&prj=102100&extent=-12016576,4572197,-12012995,4574020&layer=streets|CPW%20Properties|0.8|0-9-10-11-23-24-25-26-27-28-29-30-31-32-33-46-47-48-49>
 - XIII. *Scenic Quality* (No impacts or changes to existing condition).

5-1003 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.

5-1003 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 percent or decrease the open space on the site by more than three percent.*

5-308 HC Zone District Standards and Section 5-10 Special Use Standards.

Evidence is provided in the form of a letter from DRMS that a full application for “post mining use” has been successfully completed and approved. We received the official notice that Lot 4 has been released from DRMS oversight on October 11, 2021. See attached letter from DRMS with endorsement from Lucas West (Exhibit H).

Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference. (See Exhibit C: Pre-Application Conference Summary Letter).

Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5- 4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

Copies of Application

During the pre-application conference staff shall specify the number of copies of the application to be submitted.

Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

No revegetation was required by DRMS for reclamation. All available land will be utilized by proposed activities.

Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

The process of repurposing the mine has not created disturbed surfaces over one acre, however, we will continue efforts to mechanically control noxious weeds as identified by SMC.

Specific Provisions per Planning Director's Letter of March 31, 2022

To potentially allow the various proposed "cultural events," we understand that the Special Use Permit application also needs to include a specific proposal and information concerning the "Public Facilities" we are seeking to have considered and potentially approved at the former mine.

As noted in earlier communications with the Planning Department, we are working with the State Electrical Inspector to obtain permits and approval of the electrical system. We have also worked with the former Telluride Fire Marshal, Jim Boeckel, regarding development of a fire protection plan and adequacy of ventilation. We will review that plan with Scott Heidergott, the new Fire Marshal, to determine what his requirements will be. Our understanding is that we 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 we satisfied the reclamation requirements outlined in the mine permit and were subsequently released from the bond. We will work with Matt Gonzales to determine if there are any Building Code compliance issues. We are eager to complete the process of obtaining the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. We understand and plan to comply with all provisos regarding special events—including, but not limited to, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours. These items are addressed on pages 4 – 8 of this narrative and the supplemental information found in the attached addenda.

#2 Outstanding Conditions for Meeting the Terms of the Subdivision Exemption for Lots 1, 2, & 3

When the Deep Creek Placer Subdivision Exemption Plat was approved in June of 2017, Board of County Commissioners (BOCC) Resolution No. 2017-009, recorded on June 22, 2017, contained the following condition:

1. *The existing two-story house located within the ROW for CR 62L shall be removed prior to the issue of a Certificate of Occupancy for a Single-family dwelling or structure on Lot 3 of the Deep [C]reek Place[r] Subdivision Exemption Plat. If a Single-family dwelling is not permitted and constructed on Lot 3 within five (5) years of the date of recording of this resolution the house located in the ROW shall be removed at that time.* (emphasis added)

Due to a number of circumstances, the Morehead family has not started to build on Lot 3. We would like to request an amendment on the condition of removing the two-story house. The following constitutes an explanation of why the house has not yet been removed and a proposed new deadline for the removal of the house from the right-of-way.

Background

As has been recorded, we took responsibility for the removal of the old house as part of a “subdivision exemption” deal we made with Mike Rozycki back in 2017. This two-story structure was moved to its current location in the 1920s as housing for workers in the adjacent Deep Creek Limestone Kiln operation. Though it enjoys no protected status, it is about 2/3 historic. My dad and I did a lot of work on it to bring it back to habitable status in the 70s. Subsequent tenants and I have upgraded the structure in recent years. It is currently quite a nice little place occupied by year-round local architect Elitza Mladova at the rate of \$1280 a month...we believe it qualifies as affordable housing.

There are some practical considerations that have emerged over the past five years:

1. The difficulty in meeting the desired construction timeline for new construction by the Moreheads on Lot 3 due to health issues (Jon was hospitalized last year with respiratory issues).
2. The rapidly rising costs of construction (both materials and labor)
3. The urgent need to develop more affordable housing in the region.

Part of the incentive for moving the house in the first place was to straighten out the “dog’s leg” in the County Road. Of course, as many have pointed out, this removal will not guarantee that the road will be any safer. In fact, as we have argued (with the help of local landscape architect Angela Dye), traffic speeds will undoubtedly increase if the road is straightened. The speed, amount of traffic, noise, and the dust have been problems since I was a kid; these issues are impacting us more and more as traffic increases. We think the two-story house effectively slows traffic to our benefit and to the benefit of safety of the Community.

We understand that if the BOCC approves an amendment to Resolution 2017-009, they may impose additional conditions, such as including the requirement that we enter into an encroachment or indemnification agreement and/or include the County as a named insured on a policy that meets County limits for any liability or damages that may occur as a result of the

structure being in the right-of-way. We are prepared to meet conditions such as those if requested.

Additionally, we understand that the The Deep Creek Placer Subdivision Exemption Plat (Reception No. 449067) includes note 7, which states, *"The existing well Permit # 101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single-family Dwelling or structure on Lot 3."* Our plan for this summer includes the construction of a below-grade concrete manhole to address that condition. We received guidance from Ryan Righetti (Director, SMC Road and Bridge) and will seek a Special Construction Permit from the San Miguel County Road and Bridge Department for work in the CR 62L right-of-way.

Considering the present affordable housing crisis as well as other circumstances as outlined, we are requesting an extension on the removal of the house at 53 Deep Creek Rd. until June 22, 2027.

(See Exhibit A3, notes #6 & #7 regarding 2 Story removal and provision of below-grade vault for existing well, Exhibit I for detailed Site plan and current well locations, and Exhibit L for typical CDOT approved concrete vault design to accommodate any potential traffic over existing wellhead, per Ryan Righetti)

Scheduling of Application Consideration

Per the requirements provided by the Planning director for scheduling of application consideration, we will be providing one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements.

We would like to meet the Planning Commission the second Thursday of July (July 14, 2022)

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

We understand that a payment of \$750 for the SUP and \$275 for the Extension of the Conditions of Approval to San Miguel County must accompany the application(s) for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

We further understand that 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional

notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

EXHIBIT A – Vicinity Map

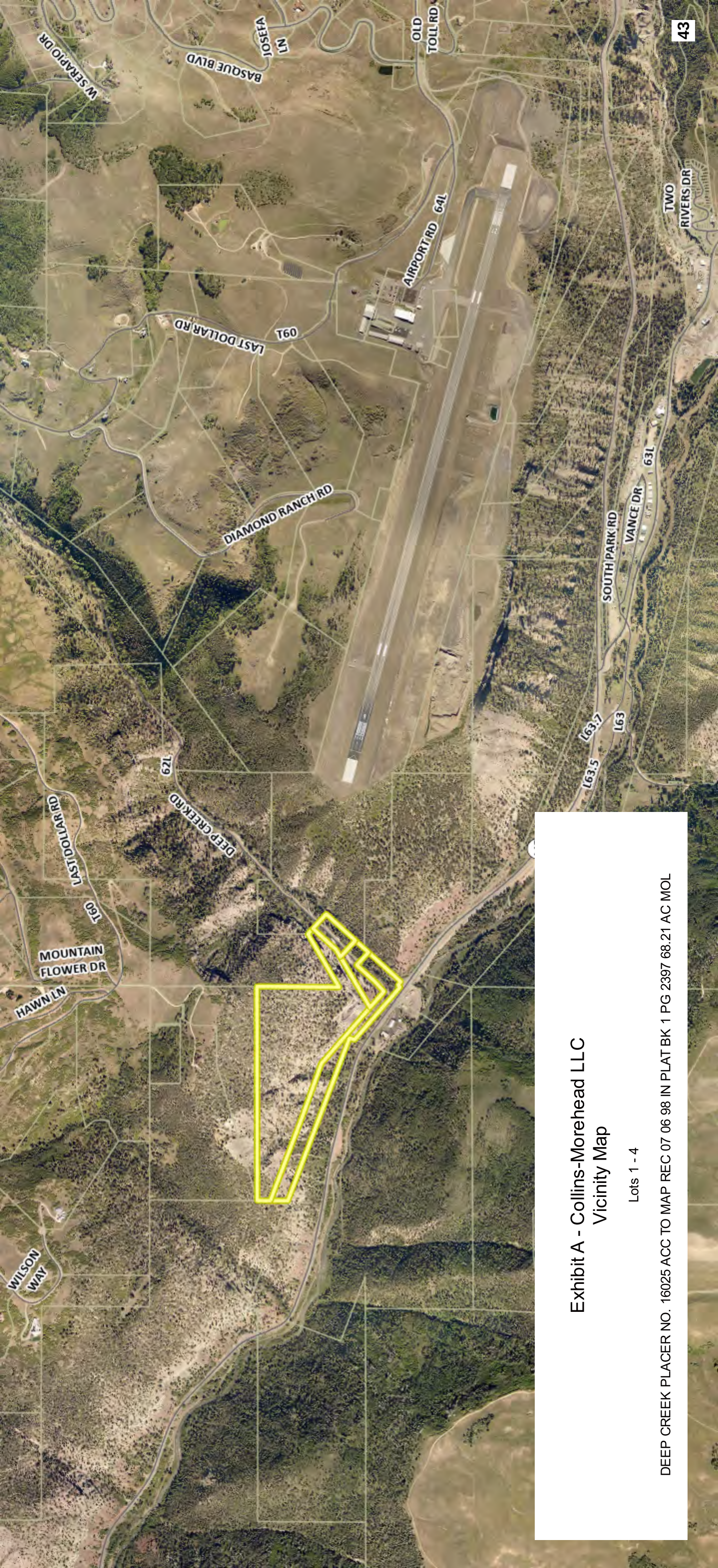


Exhibit A - Collins-Morehead LLC
Vicinity Map

Lots 1 - 4

DEEP CREEK PLACER NO. 16025 ACC TO MAP REC 07 06 98 IN PLAT BK 1 PG 2397 68.21 AC MOL

EXHIBIT A 1 – Site Plan

VON HAGEN RONOLD TSTEE
OF RONOLD VON HAGEN 07
REV TST DTD 06 15 07
Parcel ID 456326100040

JOSEPH SARGENT
PRODUCTION INC DEFINED
BENEFIT PENSION PLAN
Parcel ID 456326100041

LEGEND

- PROPERTY LINE
- R.O.W. LINE
- DEEP CREEK

U.S.B.L.M.

U.S.B.L.M.

LOT 4

LOT 1

U.S.B.L.M.

U.S.F.S.

U.S.F.S.

DRIVEWAY TO HAVE A
MAXIMUM 12% GRADE WITH
TELLURIDE FIRE PROTECTION
DISTRICT APPROVAL

CENTERLINE OF
POWERLINE
EASEMENT

LOT 4

LOT 3

ADDITIONAL
EVENT PARKING

OPEN STRIP
MINED AREA

24" HIGH BERM
INSTALLED ON DOWNHILL
SIDE OF ROAD

SAN MIGUEL
COUNTY

C.D.O.T.

NOTES

1. PROPERTY LINES, EASEMENT LINES AND DEEP CREEK PROVIDED BY FOLEY ASSOCIATES INC.
2. TOPOGRAPHIC SURVEY WAS COMPLETED FOR THE EAST SIDE OF LOT 3. TOPOGRAPHIC SURVEY WAS NOT COMPLETED FOR LOTS 1, 2 AND 4.
3. PROPOSED RIGHT-OF-WAY (R.O.W.) PER PLAT PREPARED BY FOLEY ASSOCIATES INC.
4. LIDAR TOPO PROVIDED BY CLIENT.



300 0 300
SCALE IN FEET

PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE -- S.U.P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
SITE MAP

PROJECT
DATE April 30, 2022

EXHIBIT A 2 – Plat Map

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.

PORTION OF THE VALLEY PLACER, M.S. 15120
(A.K.A. MAINTENANCE YARD)
(SAN MIGUEL COUNTY)

PORTION OF THE VALLEY PLACER, M.S. 15120
(A.K.A. MAINTENANCE YARD)
(COLORADO DEPARTMENT OF TRANSPORTATION)

LEGEND

- FOUND 3-1/4" BRASS CAP ON 2" IRON PIPE - BLM
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR - LS 24954
- SET 1-1/2" ALUMINUM CAP ON 18" LONG #5 REBAR - LS 37662

GOVERNMENT LOT 3
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

SCALE: 1" = 50'



GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

Project Mgr. DB	Issue	Description	Date	By
Technician: TO/MC				
Technician:				
Checked by:				
Start date: 03/18/2015				
Drawing path: dwg\FINAL Subdivision Exmp Plat 11-16 (Sheet 2).dwg			Sheet 2	of 2
Project #:				98006

FOLEY ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING

970-728-6153 970-728-6050 fax

P.O. BOX 1385

125 W. PACIFIC, SUITE B-1

TELLURIDE, COLORADO 81435

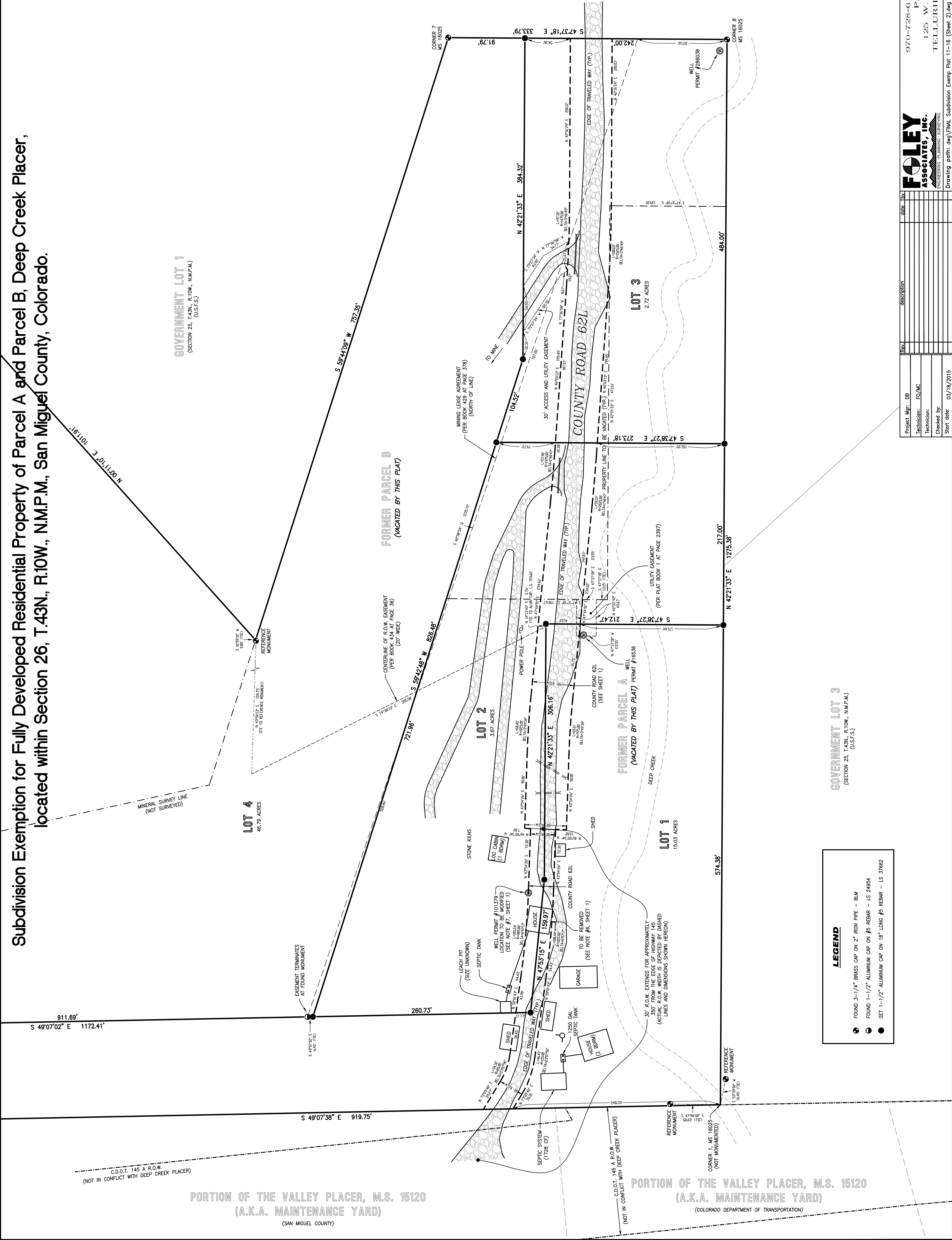
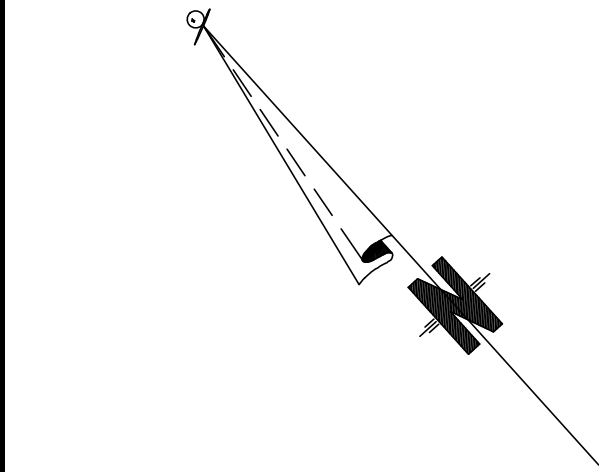


EXHIBIT B – Proof of Ownership & Access

WARRANTY DEED

State Documentary Fee

Date JAN. 6, 2011

\$ 60.00

RJG

THIS DEED, made this 20th day of December, 2010, between

Lois K. Morehead, and Daniel Lee Collins

of County of San Miguel, State of Colorado, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is P.O. Box 3055, Telluride, CO 81435 grantee:

WITNESSETH, That the grantor for and in consideration of the sum of Six Hundred Thousand and 00/100 Dollars, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of San Miguel and State of Colorado described as follows:

Parcel A, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.
as known by street and number as: 26Deep Creek Road, Telluride, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Lois K. Morehead

STATE OF _____
COUNTY OF _____Subscribed and sworn to before me on this _____ day of December, 2010 by Lois K. Morehead
Witness my hand and official seal.

My Commission Expires: _____

Notary Public

Daniel Lee Collins
Daniel Lee Collins

STATE OF Colorado
COUNTY OF San MiguelSubscribed and sworn to before me on this 20th day of December, 2010 by Daniel Lee Collins.
Witness my hand and official seal.My Commission Expires: 6/3/12

Anneliese K. Riebel
Notary Public

ANNELIESE K. RIEBEL
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 6/3/12

WARRANTY DEED

THIS DEED made this day of December, 2010, between

Lois K. Morehead, and Daniel Lee Collins

of County of _____, State of _____, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is P.O. Box 3055, Telluride, CO 81435 grantee:

WITNESSETH, That the grantor for and in consideration of the sum of Six Hundred Thousand and 00/100 Dollars, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of San Miguel and State of Colorado described as follows:

Parcel A, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.
as known by street and number as: 26 Deep Creek Road, Telluride, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Lois K. Morehead
Lois K. Morehead

STATE OF CA
COUNTY OF BUTTE

Subscribed and sworn to before me on this 26th day of December, 2010 by Lois K. Morehead
Witness my hand and official seal.

My Commission Expires: 7-12-12

V. Welch

Notary Public

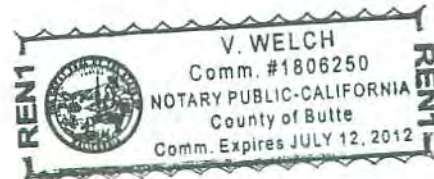
Daniel Lee Collins

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me on this _____ day of December, 2010 by Daniel Lee Collins.
Witness my hand and official seal.

My Commission Expires: _____

Notary Public



WARRANTY DEED

THIS DEED, made this third January 2011 day of December 2010, between

Kathryn Jean Norris

of County of Barnstable State of Massachusetts, grantor, and

Collins Morehead, LLC, a Colorado limited liability company

whose legal address is PO Box 3055, Telluride, CO 81435 grantee:

State Documentary Fee

Date JAN. 6, 2011

\$ 30.00

RJG

WITNESSETH, That the grantor for and in consideration of the sum of Three Hundred Thousand and 00/100 Dollars, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of San Miguel and State of Colorado described as follows:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except

General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Kathryn Jean Norris
Kathryn Jean Norris

STATE OF Massachusetts

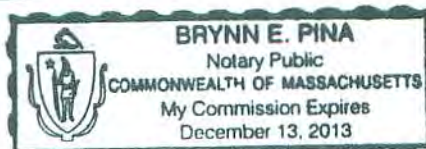
COUNTY OF Barnstable

Subscribed and sworn to before me on this 3rd day of January 2011 by Kathryn Jean Norris.

Witness my hand and official seal.

My Commission Expires: 12/13/13

B. E. Pina
Notary Public



BILL OF SALE

KNOW BY ALL MEN THESE PRESENTS, That

Lois K. Morehead, ^{KJR}Katheryn Jean Norris and Daniel Lee Collins, Co-Trustees, The Collins Living Trust (Trust B), dated March 27, 1986

of the County of Maricopa, State of AZ, (Seller), for and in consideration of TEN AND 00/100 (\$10.00) Dollars, in hand paid, at or before the ensealing or delivery of these presents by

Collins Morehead, LLC, a Colorado limited liability company

of PO Box 3055, Telluride, CO 81435, (Buyer), the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant and convey unto the said Buyer, his personal representatives, successors and assigns, the following property, goods and chattels, to wit:

Mine Equipment and Tractor

located at:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26. and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

TO HAVE AND TO HOLD the same unto the said Buyer, his personal representative, successors and assigns, forever. The said Seller covenants and agrees to and with the Buyer, his personal representatives, successors and assigns, to WARRANT AND DEFEND the sale of said property, goods and chattels, against all and every person or persons whomever. When used herein shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 3rd day of January, 2011 ~~December, 2010~~

Kathryn Jean Norris
Kathryn Jean Norris

KJR

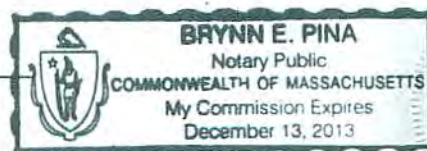
STATE OF MASSACHUSETTS
COUNTY OF Barnstable

The foregoing instrument was acknowledged before me this 3rd day of January, 2011 ~~December, 2010~~ by Kathryn Jean Norris *KJR*

Witness my hand and official seal.

My Commission Expires: 12/13/13

Brynn E. Pina
Notary Public



**ALPINE TITLE
CLOSING INSTRUCTIONS**

THIS IS A LEGAL INSTRUMENT. IF NOT UNDERSTOOD, LEGAL, TAX OR OTHER COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.

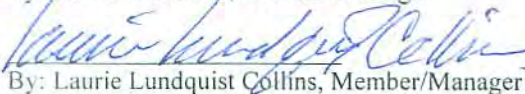
CASE NO: 1000494
CLOSING DATE: ~~12/31/10~~ 1/5/11

1. Kathryn Jean Norris (SELLER) and **Collins Morehead, LLC**, a Colorado limited liability company (PURCHASER) hereby engage **Alpine Title** (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of **San Miguel**, State of CO, to wit:
Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397,
County of San Miguel, State of Colorado.
2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated **December 15, 2010** with ALL amendments and counterproposals.
3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.
4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.
5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").
6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.
7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.
8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.
9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.
10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.
11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.
12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.
13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, at its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.
14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.
15. SPECIAL INSTRUCTIONS: **NONE**

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company


By Daniel L. Collins, Member/Manager


By: Laurie Lundquist Collins, Member/Manager


Kathryn Jean Norris

By: Jon Morehead, Member/Manager

By: Lois Kathryn Morehead, Member/Manager

Alpine Title

By: 
Anneliese Riebel

**ALPINE TITLE
CLOSING INSTRUCTIONS**

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CASE NO: 1000494
CLOSING DATE: 12/31/10 1/5/11

1. Kathryn Jean Norris (SELLER) and Collins Morehead, LLC, a Colorado limited liability company (PURCHASER) hereby engage Alpine Title (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of San Miguel, State of CO, to wit:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated December 15, 2010 with ALL amendments and counterproposals.

3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.

4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.

5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").

6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.

7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.

8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.

9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.

10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.

11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.

12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.

13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, at its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.

14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.

15. SPECIAL INSTRUCTIONS: NONE

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager

Kathryn Jean Norris

By: Laurie Lundquist Collins, Member/Manager

Jon Morehead
By: Jon Morehead, Member/Manager

Lois Kathryn Morehead
By: Lois Kathryn Morehead, Member/Manager

Alpine Title

Anneke Riebel
By: Anneke Riebel

ALPINE TITLE
CLOSING INSTRUCTIONS

THIS IS A LEGAL INSTRUMENT. IF NOT UNDERSTOOD, LEGAL, TAX OR OTHER COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.

CASE NO: 1000494

CLOSING DATE: ~~12/31/10~~ January 5, 2011

1. Kathryn Jean Norris (SELLER) and Collins Morehead, LLC, a Colorado limited liability company (PURCHASER) hereby engage Alpine Title (CLOSING AGENT), who agrees to provide closing and settlement services in connection with the closing of the following described real estate in the County of San Miguel, State of CO, to wit:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397, County of San Miguel, State of Colorado.

2. Closing Agent is authorized to obtain information and agrees to prepare, obtain, deliver and record all documents, excluding preparation of legal documents, necessary to carry out the terms and conditions of the Contract to Buy and Sell Real Estate dated December 15, 2010 with ALL amendments and counterproposals.

3. Documents will be prepared by Closing Agent at the expense of the party or parties as set forth in said Contract.

4. Closing Agent will receive a fee for providing these closing and settlement services to be the expense of the party or parties as set forth in said Contract.

5. Closing Agent is authorized to receive funds and to disburse funds when all funds received are either: available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited or are available for immediate withdrawal as a consequence of an agreement of financial institution in which the funds are to be deposited or a financial institution upon which the funds are to be drawn ("Good Funds").

6. Closing Agent is not authorized to release any documents or things of value prior to receipt and disbursement of Good Funds, except as provided in Paragraphs 12 and 13.

7. Closing Agent shall disburse all funds in closing except those funds as may be separately disclosed in writing to Purchaser, Seller, Agent or Purchaser's Lender on or before closing.

8. Seller will receive the net proceeds of closing by either Closing Agent's Trust Account Check, Cashier's Check at Seller's expense, or funds electronically transferred (wire transfer) to an account specified by the Seller, at Seller's expense.

9. Purchaser and Seller will furnish any additional information and documents required by Closing Agent which will be necessary to complete this transaction, and Purchaser and Seller further agree to sign and complete all and customary required documents at closing to fulfill the Contract.

10. Closing Agent will prepare and deliver an accurate, complete and detailed Closing Statement to Purchaser and Seller at time of closing.

11. If requested by Closing Agent, earnest money deposit will be delivered to Closing Agent in sufficient time before closing to disburse Good Funds.

12. If closing does not occur, Closing Agent, except as provided herein, is authorized and agrees to return all documents, monies, and things of value to the depositing party and Closing Agent will be relieved from any further duty, responsibility or liability in connection with these instructions. In addition, any Promissory note, Deed of Trust, or other evidence of indebtedness signed by Purchaser, shall be voided by Closing Agent, with the original(s) returned to Purchaser and copy to Purchaser's Lender.

13. If any conflicting demands are made on the Closing Agent, at its sole discretion Closing Agent may hold any monies documents, and things of value received from any party except Purchaser's Lender. Closing Agent shall retain such items until (1) receipt of mutual written instruction from Purchaser and Seller; or (2) until a civil action between Purchaser and Seller shall have been finally concluded in a Court of competent jurisdiction; or (3) in the alternative, Closing Agent may, at its sole discretion, commence a civil action to interplead, or interplead in any existing civil action, any documents, monies or other things of value received by Closing Agent. Such deposit with the Court shall relieve Closing Agent of all further liability and responsibility and Closing Agent shall be entitled to all court costs and reasonable attorneys' fees.

14. These Closing Instructions may only be amended or terminated by written instructions signed by Purchaser, Seller and Closing Agent.

15. SPECIAL INSTRUCTIONS: NONE

ACCEPTED AND APPROVED

Collins Morehead, LLC, a Colorado limited liability company

By Daniel L. Collins, Member/Manager


Kathryn Jean Norris

By: Laurie Lundquist Collins, Member/Manager

By: Jon Morehead, Member/Manager

By: Lois Kathryn Morehead, Member/Manager

Alpine Title

By:


Apriliese Riebel

ALPINE TITLE
271 S. TOWNSEND, STE. C1
TELLURIDE, CO 81435
Agents for **WESTCOR LAND TITLE INSURANCE COMPANY**

AFFIDAVIT AND AGREEMENT

The undersigned, being the purchaser(s) and/or borrower(s) of the real property described in Paragraph 9 hereof, and being first duly sworn upon oath, depose(s) and say(s):

1. The representations, covenants and agreements contained herein are made to induce Alpine Title and **Westcor Land Title Insurance Company**, to authorize its title insurance policies to be issued covering the real property described in Paragraph 9 hereof, with full knowledge and intent that such representations, covenants and agreements be relied upon.
2. No construction or repair of improvements on or in the real property described in Paragraph 9 hereof has been commenced or contracted for which has not been fully completed and fully paid for more than four full months prior to the execution hereof, except as described in Paragraph 8 hereof.
3. No claims have been made to affiant(s) or to any other person within the knowledge of affiant(s) on account of work done or materials furnished to the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.
4. Affiant(s) know(s) of no violation of any restrictive protective covenants or governmental restrictions relating to the real property described in Paragraph 9 hereof, and affiant(s) know(s) of no encroachment of improvements onto any adjoining real property or encroachment of improvements from any adjoining real property onto the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.
5. Affiant(s) know(s) of no parties in possession of or claiming possessor rights pertaining to the real property described in Paragraph 9 hereof other than affiant(s), except as described in Paragraph 8 hereof.
6. Affiant(s) know(s) of no outstanding conditional sale contract, security agreements, financing statements, retention of materials, fixtures appliances, furnishings or equipment located on the real property described in Paragraph 9 hereof, except as described in Paragraph 8 hereof.
7. Affiant(s) covenant(s) and agree(s) to indemnify and hold harmless Alpine Title and **Westcor Land Title Insurance Company**, from any loss or damage which would not have occurred if the representations contained herein had been true and if the covenants and agreements contained herein had been fully performed.
8. All exceptions relating to Paragraphs 2, 3, 4, 5, and 6 hereof are as follows: **NOTE: DO NOT LEAVE THIS SPACE BLANK.** If there are not exceptions, write "no exceptions" in this space.

NO EXCEPTIONS

9. The real property to which this affidavit and agreement relates is located in the State of Colorado and is described as follows:

Parcel B, according to the Subdivision Exemption for a Lot Line Adjustment of Lots 2 and 3 of Section 26, and The Deep Creek Placer MS 16025, recorded July 6, 1998 in Plat Book 1 at page 2397.
County of San Miguel, State of Colorado.

Property Address: Vacant Land, Telluride, CO 81435

Collins Morehead, LLC, a Colorado limited liability company

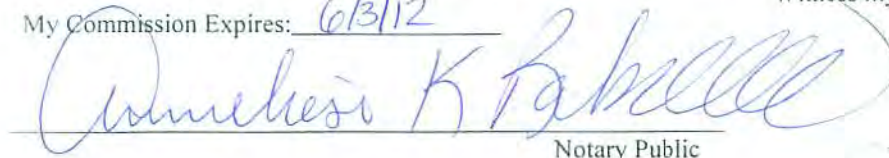

By Daniel L. Collins, Member/Manager

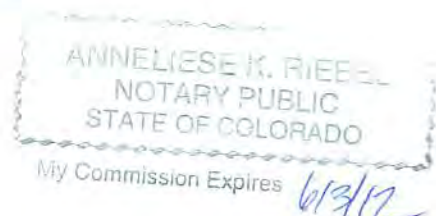
STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by Daniel L. Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

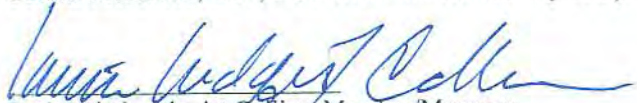
Witness my hand and official seal.

My Commission Expires: 6/3/12


Notary Public



Collins Morehead, LLC, a Colorado limited liability company

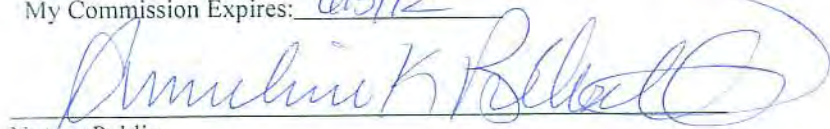

By Laurie Lundquist Collins, Member/Manager

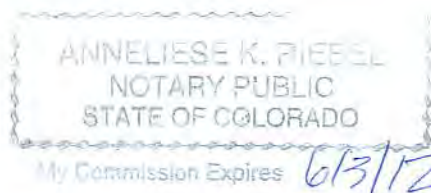
STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by Laurie Lundquist Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: 6/3/12


Notary Public



Collins Morehead, LLC, a Colorado limited liability company

By Jon Morehead, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by Jon Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: _____

Notary Public

Collins Morehead, LLC, a Colorado limited liability company

By Lois Kathryn Morehead, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by Lois Kathryn Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: _____

Notary Public

Collins Morehead, LLC, a Colorado limited liability company

By Laurie Lundquist Collins, Member/Manager

STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by Laurie Lundquist Collins, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: _____

Notary Public

Collins Morehead, LLC, a Colorado limited liability company

By Jon Morehead, Member/Manager

STATE OF ~~COLORADO~~ CA v.w.
COUNTY OF ~~SAN MIGUEL~~ Butte

The foregoing instrument was acknowledged before me this 20th day of December, 2010 by Jon Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: 7-12-12

V. Welch

Collins Morehead, LLC, a Colorado limited liability company

By Lois Kathryn Morehead, Member/Manager

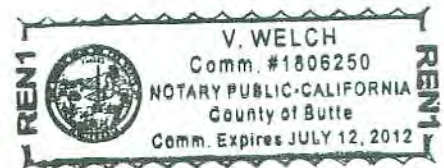
STATE OF COLORADO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this _____ day of December, 2010 by Lois Kathryn Morehead, as Member/Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: _____

Notary Public



STATEMENT OF AUTHORITY
Collins Morehead, LLC, a Colorado limited liability company

Effective Date: December 8, 2010

1. The name of the entity for which this Statement of Authority is being executed and provided is "Collins Morehead, LLC, a Colorado limited liability company" ("**Company**").
2. The Company is a limited liability company duly formed under the laws of the State of Colorado. The initial and current "**Members**" of the Company are: Daniel Lee Collins and Laurie Lundquist Collins (together "**Collins**") and Jon Morehead and Lois Kathryn Morehead (together "**Morehead**").
3. The principal address of the Company is 26 Deep Creek Road, Telluride, Colorado 81435-3055. The mailing address of the Company is P.O. Box 3055, Telluride, Colorado 81435-3055.
4. The Company is pursuing the acquisition ("**Parcel B Transaction**") of Parcel B, Deep Creek Placer, San Miguel County, Colorado ("**Parcel B**").
5. The management of the Company is vested in "**Managers**". The initial and current Managers of Company are: Daniel L. Collins, Laurie Lundquist Collins, Jon Morehead and Lois Kathryn Morehead. Initially and only with respect to the Parcel B Transaction, the Members and Managers hereby designate, appoint and authorize Daniel L. Collins to individually execute and deliver any and all necessary and appropriate documents required to complete the Parcel B Transaction. The signature of Daniel L. Collins with respect to the documents associated with the Parcel B Transaction will be sufficient to bind the Company. In all other instances, separate and apart from the Parcel B Transaction, the signature of each of the Managers will be required to transact business on behalf of the Company.
6. In addition to the specific authority as provided for hereinabove with respect to the Parcel B Transaction, the Company states and affirms that the Managers are duly authorized to undertake any and all lawful actions deemed necessary and appropriate by the Managers for and on behalf of the Company, including, without limitation, the acquisition, leasing and disposal of real and personal property for the Company ("**Company Property**"); the acquisition and disposal of negotiable instruments; the procurement of financing for the Company; the opening, operating and administering bank accounts on behalf of the Company; the submission, processing and completion of plan and permit applications concerning the use and development of any and all Company Property; entering into contracts and agreements to retain consultants to assist in the development of any Company Property; and all other actions for which a Colorado limited liability company is authorized to undertake under applicable law.
7. The foregoing authority shall extend to and authorize the Managers to execute, deliver and, where appropriate, record instruments and documents concerning these powers, which third parties may rely upon as evidence of a duly binding and effective commitment on the part of the Company.

[Signatures appear on next pages]

Executed and Approved by the Members and Managers.

COLLINS:

By: *Daniel L. Collins*
Daniel L. Collins, Member/Manager

Date: 12-08-10

By: *Laurie Lundquist Collins*
Laurie Lundquist Collins, Member/Manager

Date: Dec 8, 2010

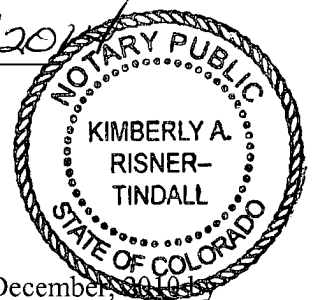
STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8th day of December, 2010 by Daniel L. Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Kimberly A. Risner-Tindall
Notary Public

My commission expires 10/16/2014



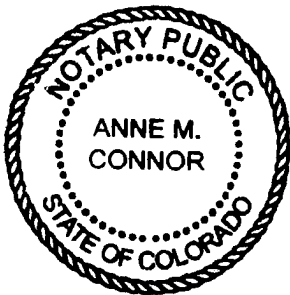
STATE OF COLORADO)
) ss:
COUNTY OF SAN MIGUEL)

The foregoing Statement of Authority was acknowledged before me this 8 day of December, 2010 by Laurie Lundquist Collins, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Anne M. Connor
Notary Public

My commission expires 10/29/14



MOREHEAD:

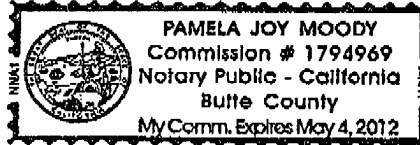
By Jon Morehead
Jon Morehead, Member/Manager

Date: 12/13/10

By Lois Kathryn Morehead
Lois Kathryn Morehead, Member/Manager

Date: 12/13/10

STATE OF California)
COUNTY OF Butte) ss:



The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Jon Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

STATE OF California)
COUNTY OF Butte) ss:

The foregoing Statement of Authority was acknowledged before me this 13th day of December, 2010 by Lois Kathryn Morehead, as Member and Manager of Collins Morehead, LLC, a Colorado limited liability company.

Witness my hand and official seal:

Pamela Joy Moody
Notary Public

My commission expires May 4, 2012

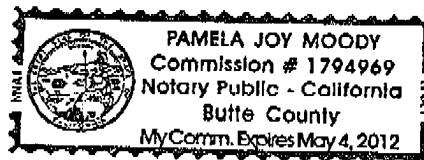


EXHIBIT C – Pre-Application Summary



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

March 31, 2022

Dan Collins, by email: dan.collins@asu.edu

Laurie Lundquist, by email: laurie@laurielundquist.com

Anton Viditz-Ward, by email: antonviditzward@gmail.com

Re: 1. Pre-application Conference Summary for a 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 to occur at the former mine
2. Conditions of Approval for Deep Creek Placer Subdivision Exemption

Dear Dan, Laurie and Anton,

1. Lot 4, Deep Creek Placer Special Use Permit

On April 4, 2016, a pre-application conference summary letter was issued regarding rezoning Lot 4, Deep Creek Placer, from Forestry, Agriculture and Open (F) to Heavy Commercial (HC), and for a Special Use Permit to allow a light industrial, research and development facility for artisans and craftsmen and for public facilities to allow specific cultural events to occur at the former mine. On November 14, 2016, an application was received for rezoning. On April 24, 2017, the Board of County Commissioners approved the request to rezone the property. While the application for a Special Use Permit was submitted concurrent with the rezoning application, it was found to be incomplete and was not heard. On April 4, 2019, following a meeting with Planning staff, a new Pre-Application letter was issued. This letter is intended to update and replace both prior letters.

The purpose of this correspondence is to provide an updated Pre-application Conference Summary for the Special Use Permit, in accordance with San Miguel County Land Use Code Section 4-207, for a One-step Planning Commission review process to allow light industrial, research and development facilities for artisans and craftsmen, which is listed in LUC Section 5-308 B as an allowed use through a SUP review process. To potentially allow the various "cultural events" you have referred to in your vision statement for the mine and that have been occurring at the mine, the Special Use Permit application would also need to include a specific proposal and information concerning the "Public Facilities" you are seeking to have considered and potentially approved at the former mine.

As noted in the prior letter, you were working with the State Electrical Inspector to obtain permits and approval of the electrical system. You were also working with the Telluride Fire Marshal regarding development of a fire protection plan and adequacy of ventilation. Since Jim Boeckel

has retired, you will now need to contact Scoot Heidergott, the new Fire Marshal, to determine what his requirements will be. You will also need to work with the Colorado Division of Reclamation, Mining and Safety (DRMS) regarding reclamation and safety. Since we last spoke, we have a new Building Official, Matt Gonzales, and you will need to work with him to determine if there are any Building Code compliance issues. Despite not having the Special Use Permit (SUP), commercial and industrial activities have continued to occur on the site, along with several special events. It is imperative that you obtain the SUP so that all activities moving forward are in compliance with the San Miguel County Land Use Code.

Planning Department staff has determined that the proposed use is an allowed use subject to One-step County Planning Commission Special Use Permit Review, pursuant to Land Use Code Sections 5-308.B.III and B.IV; Section 5-10, Special Uses; and the County Master Plan. With regards to the special events, specific information regarding traffic management, access, parking, site safety and security, and sanitation, as well as a list of the type and number of events, number of attendees, and expected hours needs to be provided in the application.

Submission Requirements

See Attached ***Submission Requirements***

Review Standards

See Attached ***Review Standards***

Deep Creek Placer Subdivision Exemption Plat Conditions of Approval

When the Deep Creek Placer Subdivision Exemption Plat was approved in June of 2017, Board of County Commissioners (BOCC) Resolution No. 2017-009, recorded on June 22, 2017, contained the following condition:

2. *The existing two-story house located within the ROW for CR 62L shall be removed prior to the issue of a Certificate of Occupancy for a Single-family dwelling or structure on Lot 3 of the Deep [C]reek Place[r] Subdivision Exemption Plat. If a Single-family dwelling is not permitted and constructed on Lot 3 within five (5) years of the date of recording of this resolution the house located in the ROW shall be removed at that time. (emphasis added)*

You have indicated that due to a number of circumstances, you are not ready to remove the house from the right-of-way by the June 22, 2022 deadline. You may submit a request to the BOCC, asking for an amendment to that condition. The request should include an explanation of why the house has not yet been removed, and propose a reasonable new deadline for the removal of the house from the right-of-way. If the BOCC approves an amendment to Resolution 2017-009, they may impose additional conditions, such as including the requirement that you enter into an encroachment or indemnification agreement and/or include the County as a named insured on a policy that meets County limits for any liability or damages that may occur as a result of the structure being in the right-of-way.

The Deep Creek Placer Subdivision Exemption Plat (Reception No. 449067) includes note 7, which states, "*The existing well Permit # 101379 shall be placed below grade and in a manhole prior to applying for a Development Permit for a Single-family Dwelling or structure on Lot 3.*" Per the Resolution, all Final Plat notes are considered conditions of approval. We would

strongly encourage you to proceed with placing the well in a manhole this summer to complete that condition. You will need to obtain a Special Construction Permit from the San Miguel County Road and Bridge Department for work in the CR 63L right-of-way.

Scheduling of Application Consideration

Please submit one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements. The Planning Department can then schedule the Special Use Permit for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date. This pre-application letter is valid for one year from date of letter.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge Director, County Building Official, County Sheriff, County Site Inspector, County Environmental Health Department, Colorado Division of Reclamation and Mine Safety, Colorado Division of Water Resources, Colorado parks and Wildlife, Colorado Department of Transportation, Telluride Fire Protection District, Bureau of Land Management, and the US Forest Service. Other referrals will be determined upon receipt of the application.

Payment of \$750 for the SUP and \$275 for the Extension of the Conditions of Approval to San Miguel County must accompany the application(s) for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-35). In addition, the applicant will be responsible for payment of all copy charges for Planning Commission and Board of County Commissioner meeting packets.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,



Kaye Simonson, AICP
Planning Director

" Z:\Applications letters\Preapp\Deep Creek Mine.Lot 4.SUP.2022"

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All development applications shall include, at minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps which may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder

with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards for Special Uses

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to 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 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All 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.

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

The Use shall be:

- I. Consistent with the County Master Plan;
- II. Consistent with County Land Use Policies in Article 2;
- III. Consistent with the purpose of the Zone District in which it is proposed to be located;
- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;
- V. 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. Impacts on Surrounding Area

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, 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.

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;
 - I. Weed control plan that must include use of weed free hay or straw;
 - II. Wildlife Plan (see Section 5-407 A. XII.); and

XI. Additional permits as necessary from other agencies.

5-1002 F. Review 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. If the owner 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. 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.

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. 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 permitted and/or commenced, 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.

Review 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.

- II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be 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 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 Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

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

- I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
- II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
- III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.
- IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.
- V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.
- VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
- VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.
- VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.
- IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following

regulations shall apply to fencing:

- a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
- b. Fence is limited to 42: in height;
- c. At least 12" between the top two wires or rails;
- d. At least 16" between the bottom wire or rail and the ground;
- e. Posts at minimum 16' intervals;
- f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
- g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
- h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400'; and in swales and at stream crossing for easy wildlife passage.
- i. Perimeter fencing of an entire parcel is discouraged.
- j. As an exception to "wildlife friendly fencing" dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county's revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW "Fencing with Wildlife in Mind" guidelines available at the CPW website, www.wildlife.state.co.us

- X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.
- XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.
- XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution 1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal

control rules and regulations.

- XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply during application review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

- 5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;
- 5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;
- 5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;
- 5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;
- 5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;
- 5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;
- 5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and
- 5-2101 H. All exterior lighting shall comply with the standards of Section 5-710.

EXHIBIT D – Calendar of Events

EXHIBIT D: Calendar of Events - Deep Creek Mine

Proposed events:

- Mountain Film Burn – May annual.
- Original Thinkers Event – Early October annual or semi annual.
- Halloween Burn – October potentially annual
- Winter Solstice Burn – December annual
- 4 Private Events – TBD

Notes:

- 199 guests or less.
- These events often center around the burning of a wood sculpture.
- These events include mechanical fire sculptures, an altar, light art, live music and a DJ.
- No burn events are conducted during the summer.

EXHIBIT E – Parking, Drainage, and Station Points

ENTRANCE KEY NOTES

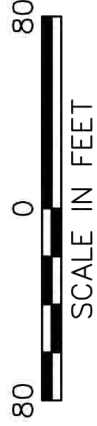
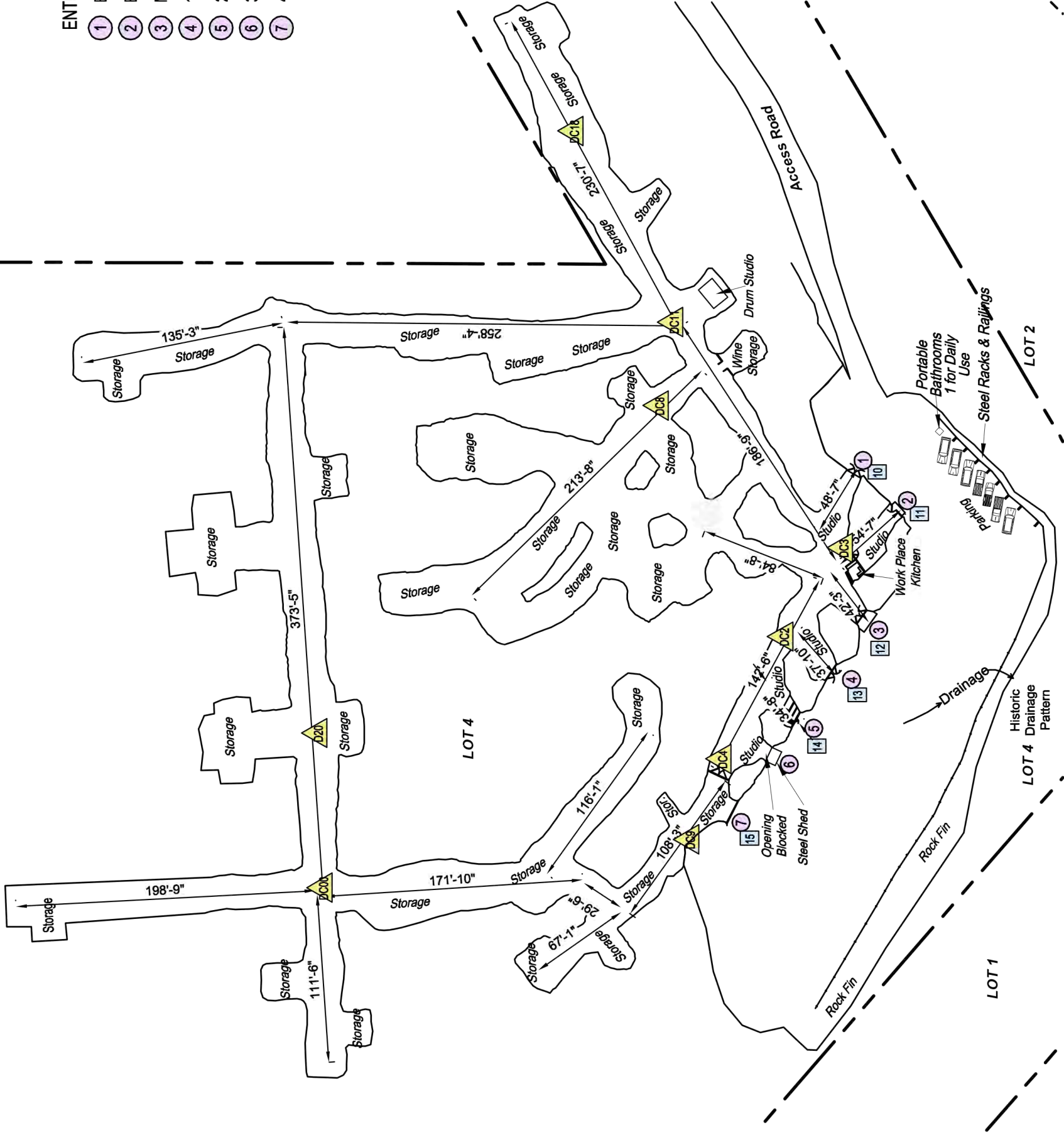
- 1 East Portal
- 2 East Entrance
- 3 Main Entry Portal
- 4 1st South Portal
- 5 2nd South Portal
- 6 3rd South Portal
- 7 4th South Portal

DOOR KEY NOTES

- 10 Steel Mesh Door
Opening 7'-2" wide 8'-3" high
- 11 Wood Door
Opening 4'-0" wide 7'-5" high
- 12 Steel Mesh Doors
Opening 10'-5" wide 10'-8" high
- 13 Steel & Wood Doors
Opening 9'-6" wide 9'-5" high
- 14 Doors
Opening 2'-4" wide 7'-0" high
- 15 Ventilation & Light Only
Opening 12'-6" wide 8'-0" high

CONTROL KEY NOTES

- DC00 0,000 ceiling
0,000 floor
- DC2 8,133.67 back
8,122.59 floor
- DC3 8,136.32 back
8,125.2 floor
- DC4 8,134.53 back
8,121.83 floor
- DC8 8,136.81 back
8,127.6 floor
- DC9 8,134.62 back
8,119.6 floor
- DC11 8,138.83 back
8,126.2 floor
- DC18 8,132.57 back
8,114.6 floor
- DC20 8,139.13 back
8,121.9 floor



PRELIMINARY
FOR AGENCY REVIEW

DEEP CREEK MINE -- S.U. P. APPLICATION
SAN MIGUEL COUNTY, COLORADO
FUTURE USE EXHIBIT - DAILY ACTIVITY

PROJECT

DATE May 1, 2022

EXHIBIT D 78

EXHIBIT F – BOCC Zoning Resolution

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
REZONING LOT 4, DEEP CREEK PLACER SUBDIVISION EXEMPTION FROM THE
FORESTRY AGRICULTURE AND OPEN (F) ZONE TO THE HEAVY COMMERCIAL
(HC) ZONE DISTRICT**

Resolution 2017-011

WHEREAS, the Collins Morehead, LLC, (“Applicant”) owners of the Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property, totaling 46.79 acres, have applied for a Rezoning to rezone Lot 4 from Forestry Agriculture and Open (F) to Heavy Commercial (HC). The former Deep Creek Placer Limestone Mine is located on Lot 4. In 1986 the Planning Commission approved a Special Use Permit issued to B-Mining authorizing the operation of a Limestone Mine in the F Zone District located on Parcel B of the Deep Creek Placer. The County subsequently advised the State Mined Land Reclamation Division of the County’s SUP approval prior to the State’s issuance of its mining and reclamation permit. This agency is now known as the Division of Reclamation and Mine Safety (DRMS). It is staff’s understanding from Dan Collins that all mining on the property ceased around 1995. The DRMS post mining use designation for this mine is as “Wildlife Habitat”. In a September 10, 2014 email addressed to me, Dan Collins indicated that the current DRMS reclamation plan for the “post mining” reclamation requirement for “Wildlife Habitat” would require the owners to bring the site back to as “natural” a condition as possible including ripping out the access road, removing the 440 power, back filling the portals, berming and seeding the equipment apron, controlling storm runoff, etc. This has been confirmed by Lucas West, DRMS;

WHEREAS, in a January 20, 2016 letter to the SMC BOCC, Dan Collins, Managing Partner Collins-Morehead, LLC, wrote to the Board to advise them that they have applied to DRMS to amend their “post mining” reclamation plan for the Limestone Mine on their property at Deep Creek Placer and provided the County with a copy of their application to DRMS. This application advises that the applicant/operator proposes to reclaim the Limestone Mine to a “Light Industrial” use. In reviewing this letter to the BOCC and the application to the DRMS to change the reclamation plan from “Wildlife Habitat” to Light Industrial Uses Staff contacted Dan Collins, and his family members, to advise that many of the listed uses and proposed uses at the mine are not identified as either an Allowed Use or even a Use Allowed through Special Use Permit Review in the existing F Zone District, which is the zoning of the Limestone Mine property. I also explained that C.R.S. provides that any mining operator that is subject to the Colorado Mined Land Reclamation Act, such as the Collins-Morehead, LLC, is also subject to the zoning and land use authority and regulation by the political subdivision in which the permitted mining operation is located, in this case, San Miguel County. In discussing this matter and the DRMS review process for applications that propose to amend the approved post mining reclamation plan, such as the former B-Mining Limestone Mine, with DRMS representatives, it is staff’s understanding that in order for DRMS to approve the application to amend the reclamation requirements the proposed post-mining use must be in compliance with the local government’s zoning of the property. The proposed “light industrial” use(s) identified in the DRMS application are not allowed in the F Zone district;

WHEREAS, on March 11, 2016 the Board of County Commissioners (BOCC) held a work session at Dan Collins request to discuss the application to DRMS to reclaim the former Limestone Mine to a Light Industrial Use(s) and the county zoning and applicable Land Use Code provisions. Following that work session, Michael Rozycki, Planning Director, prepared a letter, dated March 18, 2016, addressed to Dan Collins and Lois Morehead outlining a suggested potential path forward for having their post mining plans for the mine considered through an appropriate Land Use Review process. These identified steps included having the application with DRMS placed on hold until such time as Collins Morehead have obtained County approval of the requisite rezoning from F to HC and obtaining Special Use Permit approvals so that the post reclamation plan uses that are presented to DRMS are in fact allowed uses per County Zoning and conform to the applicable provisions of the County LUC. In a March 23, 2016 email to Mr. Rozycki, Laurie Lindquist Collins stated that the Collins Morehead LCC agreed to take the actions as outlined in his March 18, 2016 letter and placed the DRMS application on hold pending county approval of the requisite rezoning and agreed to submit its rezoning application to the County and apply for a Special Use Permit(s);

WHEREAS, the Applicant submitted a “post mining reclamation plan” to the Colorado Division of Reclamation, Mining and Safety (DRMS) in December 2015 to convert the reclamation plan to a “non-commercial, light industrial facility for equipment maintenance and welding”. In May of 2016 the Applicant filed another amendment to the plan to convert the mine to a “heavy commercial facility for equipment maintenance, welding and storage”. In August of 2016 the Applicant requested an Extension of the amended “post mining reclamation plan” application until they could rezone the parcel to HC. The DRMS granted this extension until May 7, 2017 to allow for San Miguel County and the Applicant to arrive at a mutually acceptable course of action regarding rezoning the property. One of the stipulations for approval of the proposed mine reclamation plan that is to be reviewed and approved by DRMS is that the reclamation classification and closure plan is to conform to the applicable County Zoning and the County Land Use Code. The ultimate goal of this process is to terminate all obligations with respect to the State of Colorado and DRMS and to sunset the mining permit and reclaim the property to the heavy commercial facility uses. With regards to San Miguel County the objective is to come into compliance with the Land Use Code and establish a set of guidelines that can be used to determine the suitability and limits for future uses in accordance with the LUC;

WHEREAS, the Applicant is seeking a Rezoning of Lot 4, of the Deep Creek Placer Subdivision Exemption to rezone Lot 4 from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) to allow for Research Development, Artist/Craftsman workspace, and specific cultural events. The existing and proposed uses on Lot 4 will require various Special Use Permits. The Rezoning application was certified complete and was referred out to several referral entities and has been noticed for review and recommendation by the Planning Commission at its March 8, 2017 meeting. The Special Use Permit applications, as submitted, identify a list of specific uses that may be considered through SUP Review in the HC Zone District, have been found to be incomplete, have not been certified complete, and have not been sent to the requisite referral entities at this time. Staff has requested additional information and clarifications regarding their Special Use Permit applications and is waiting for the Applicants to revise, modify and complete their Special Use Permit applications before they may be presented to and considered by the CPC. The Planning Commission was only asked to provide a

recommendation to the BOCC regarding the proposed Rezoning of Lot 4 from F to the Heavy Commercial (HC) Zone District. There are **no** uses allowed by right in the Heavy Commercial (HC) Zone District. All Uses in the HC Zone District are only allowed subject to One-step Planning Commission Special Use Permit Review and Approval;

WHEREAS, the Deep Creek Placer and the subject parcel that is proposed to be rezoned to the HC Zone District is located approximately 7 miles west of Telluride, north of State Highway 145, *across from the County maintenance shop* which is zoned Public (PUD) and the Colorado Department of Transportation (CDOT) maintenance shop, which exempt from county zoning, west of Deep Creek and CR 62L (Deep Creek Road), and is the current site of the Deep Creek Placer mine which previously has been operated as a Limited Impact (110) Operation as a limestone mining operation. It was actively mined for limestone until about 1995. The applicant states the mine has evolved to support a variety of “non-mining uses” including light industrial fabrication, equipment maintenance, storage, industrial design, and fine art production. Additionally, the exterior “equipment apron”, which is approximately two (2) acres in size, and part of the interior of the mine, has been used approximately four times a year for cultural events of less than 200 people associated with Telluride Arts, the Mountain Film Festival, the Deep Creek Experimental, and the Telluride Institute and other local non-profits;

WHEREAS, Rezoning applications are a Two-step Planning Commission and Board of County Commissioner review pursuant to Land Use Code Section 5-1803 Rezoning. If the parcel is rezoned to HC future uses on the parcel will require One-step Planning Commission Special Use Permit review pursuant to Land Use Code Section 5-308 B.;

WHEREAS, the Applicant states the plan is consistent with the San Miguel County Comprehensive Development Plan (Master Plan), surrounding Zone Districts, and land uses. Specifically, the property south of the subject parcel across State Highway 145 which is occupied by the County and State Highway Department road maintenance facilities. The only residential units adjacent to the mine property are owned by the Applicant. The Applicant states the rezoning would cause no excessive demands on public facilities, principally the adjacent County Road and also states that no significant impacts on the local environment will result from the proposed uses and that there are no significant impacts on local transportation or safety issues;

WHEREAS, the Applicant states the proposed zoning change provides a location for new commercial activities that will serve the local community and provide a “protected space” for a range of industrial and experimental activities. If the rezoning is approved by the Board of County Commissioners the Applicant will pursue obtaining Special Use Permits for some of the activities they envision for the property appropriate to the HC Zone District due to the associated noise and smells relative to such processes as metal fabrication (e.g., portable grinders, drills, and saws), cultural events (kinetic fire sculptures and music events), and equipment (diesel equipment operation). In addition they are considering other HC uses such as Storage, Manufacturing, Light Industrial, Research & Development Facilities, Public Facilities (excluding those allowed in the F Zone District), Staging for Construction Contractor, and Auto Repair Shops as uses within the 65,000 sq. ft. underground portion of the facility;

WHEREAS, it is anticipated based on ongoing discussions that the Applicant may scale back on a number of the proposed special uses such as, but not limited, to an auto repair shop;

WHEREAS, the subject property is located outside of the Telluride Region Master Plan area and is within the San Miguel Canyon Master Plan. The San Miguel Canyon Area Master Plan stated Goal for Commercial uses is to locate commercial facilities, including trades, crafts and fabrications, in appropriate areas primarily to serve local and regional residences, while limiting traffic, environmental and visual impacts and maintaining rural quality of life;

WHEREAS, the Heavy Commercial (HC) Zone District is intended to protect existing commercial areas and consolidate the location for new commercial activities. Although some light industrial uses could be appropriate for this Zone District, heavy industrial activity would not be, and would be better accommodated through the special permit process in the Agriculture, Forestry and Open (F) Zone District. It is intended that the HC Zone District be located so that the heavy commercial activity and its accompanying noise and/or smell is compatible with neighboring land uses;

WHEREAS, the applicant posted a sign on the property and along Deep Creek Road near the highway and sent notice of the proposed rezoning application and Planning Commission meeting date to all property owners within 500 feet of the subject property. A Public Hearing Notice was published in the Norwood Post and Telluride Daily Planet on April 5, 2017;

WHEREAS, in accordance with the applicable LUC and statutory requirements, the San Miguel County Planning Commission considered the application to rezone the subject property from the F to the HC zone at a public meeting held on March 8, 2017, in Telluride, CO, at which they unanimously recommended approval of the rezoning application;

WHEREAS, the Applicant posted a sign on the property and sent notice to all property owners within 500 feet of the subject parcels and all property owners along Deep Creek Road (CR 62L to CR T60), providing information regarding the proposed application and the time and date of the BOCC meeting. A Public Hearing notice was published in the Norwood Post and the Telluride Daily Planet on April 5, 2017;

WHEREAS, LUC 5-1803 Rezoning, sets forth the criteria to be considered in the approval or disapproval of rezoning requests,

5-1803 Rezoning

Rezoning 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 standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

I. Conflicts with any applicable Sections of the Land Use Code;

- II. Is consistent with the San Miguel County Comprehensive Development Plan;
- III. Is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
- IV. Would result in demands on public facilities, and so would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
- V. Would result in significant adverse impacts on the natural environment;
- VI. Is consistent and compatible with the community character; and
- VII. Would be in conflict with the public interest;

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony from the public, at a Public Hearing in Telluride on April 19, 2017;

WHEREAS, the BOCC does hereby find that there is competent evidence in the public hearing record to support the finding that LUC criteria set forth in LUC 5-1803 A., I – VII. have been satisfied, specifically, that the proposed rezoning of the subject property:

- i. Does not conflict with any applicable Sections of the Land Use Code;
- ii. Is consistent with the San Miguel County Comprehensive Development Plan;
- iii. Is compatible with the surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
- iv. Would not result in demands on public facilities, and would not exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
- v. Would not result in significant adverse impacts on the natural environment;
- vi. Is consistent and compatible with the community character; and
- vii. Would not be in conflict with the public interest.

5-1803 B. Conditions affecting the subject parcel have sufficiently changed since the imposition of the F Zone district on the property in 1972, that the public health, safety, and welfare will be served by the rezoning of the subject property to the Heavy Commercial (HC) zone district;

5-1803 C. the effect of the proposed rezoning amendment on traffic generation and road safety will be addressed at the time the County Planning Commission or the Board of County Commissioners considers a Special Use Permit application for specific uses that may be allowed through a one or two step review process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves a Rezoning of Lot 4, Deep Creek Placer Subdivision Exemption for Fully Developed Property from Forestry, Agriculture and Open (F) to Heavy Commercial (HC) finding that the HC zoning may potentially allow some of the proposed industrial uses on a property that has been previously used for limestone mining and finds the proposed rezoning is compatible with the surrounding land uses and neighborhood characteristics, would not result in significant adverse impacts on the natural environment, or be in conflict with the public interest, and finds the application to be in compliance with the County Master Plan and the Land Use Code Sections 5-308 Heavy Commercial Zone District and 5-1803 Rezoning..

BE IT FINALLY RESOLVED that all written representations submitted in the application and all supplements are considered conditions of approval unless modified by this review process.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on April 24, 2017.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: Joan May
Joan May, Chair

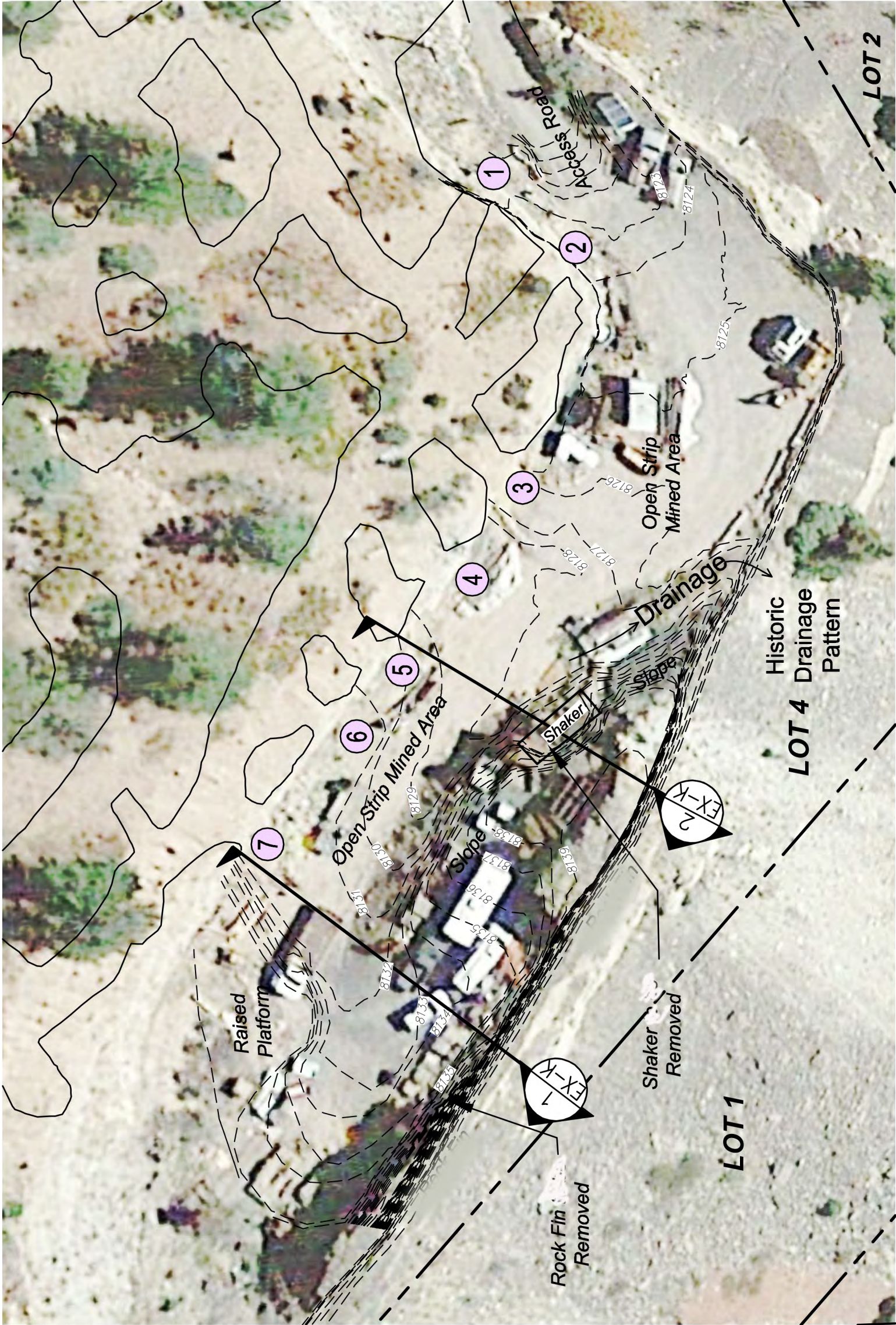
Vote:	Joan May	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

By: Carmen R. Wafer
Chief Deputy Clerk

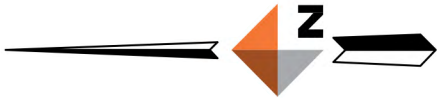


EXHIBIT G – Existing Conditions



ENTRANCE KEY NOTES

- 1 East Portal
- 2 East Entrance
- 3 Main Entry Portal
- 4 1st South Portal
- 5 2nd South Portal
- 6 3rd South Portal
- 7 4th South Portal



SCALE IN FEET

GOOGLE EARTH AERIAL IMAGE

PRELIMINARY
FOR AGENCY REVIEW

EXHIBIT H – DRMS Permit Release



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

October 11, 2021

Dan Collins
Collins Morehead, LLC
1417 South Grandview Drive
Tempe, AZ 85281

RE: Deep Creek Placer, Permit No. M-1986-102, Full and Final Permit Release Approval (SL-1)

Dear Mr Collins:

On September 27, 2021 the Division of Reclamation, Mining and Safety (Division) received a request for the Full and Final Release of reclamation responsibility for the above listed site. Based on the observations made during the September 27, 2021 Inspection, Division Staff has determined the Operator has successfully completed reclamation of the site in accordance with the Act, Rules and Regulations and the Approved Reclamation Plan. Therefore on October 11, 2021 the Division has **approved** your release request and you are hereby released of any further reclamation liability.

According to Rule 1.4.11(1)(b), the Division must wait 30 days from the date of this letter before releasing the Financial Warranty, in order to address any comments or objections to this decision. After November 26, 2021 please contact Sara Stevenson-Benn at 303-866-3567 Ext. 8187. If you have any further questions or concerns please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us. Sincerely,

Lucas J. West
Environmental Protection Specialist

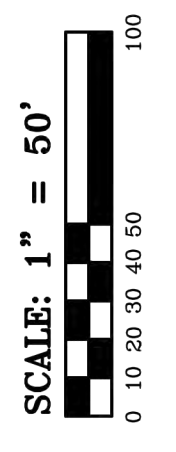
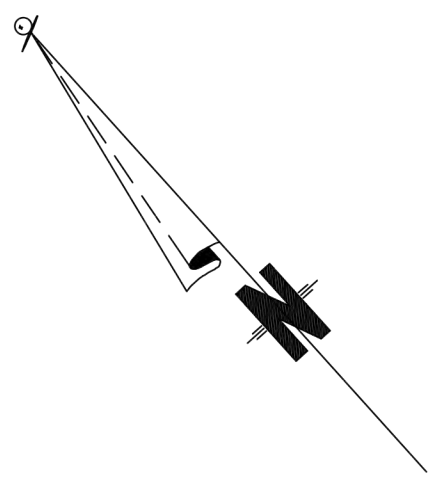
Encl: M-1986-102 SL-1 Inspection Report

cc: Travis Marshall, Senior Environmental Protection Specialist
Sara M. Stevenson-Benn, DRMS



EXHIBIT I – 2 Story & Well Site Plan

Subdivision Exemption for Fully Developed Residential Property of Parcel A and Parcel B, Deep Creek Placer, located within Section 26, T.43N., R.10W., N.M.P.M., San Miguel County, Colorado.



GOVERNMENT LOT 1
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

LOT 4
46.79 ACRES

LOT 2
3.67 ACRES

LOT 3
2.72 ACRES

LOT 1
15.03 ACRES

FORMER PARCEL B
(VACATED BY THIS PLAT)

FORMER PARCEL A
(VACATED BY THIS PLAT)

GOVERNMENT LOT 3
(SECTION 25, T.43N., R.10W., N.M.P.M.)
(U.S.F.S.)

- LEGEND**
- FOUND 3-1/4" BRASS CAP ON 2" IRON PIPE - BLM
 - FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR - LS 24954
 - SET 1-1/2" ALUMINUM CAP ON 18" LONG #5 REBAR - LS 37662

PORTION OF THE VALLEY PLACER, M.S. 15120
(A.K.A. MAINTENANCE YARD)
(SAN MIGUEL COUNTY)

PORTION OF THE VALLEY PLACER, M.S. 15120
(A.K.A. MAINTENANCE YARD)
(COLORADO DEPARTMENT OF TRANSPORTATION)

EXHIBIT J – Signage & Egress

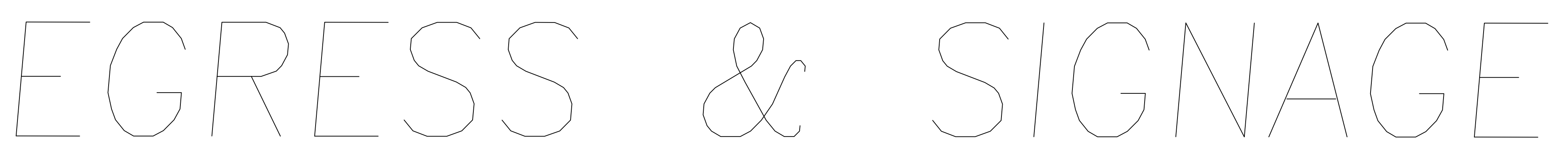
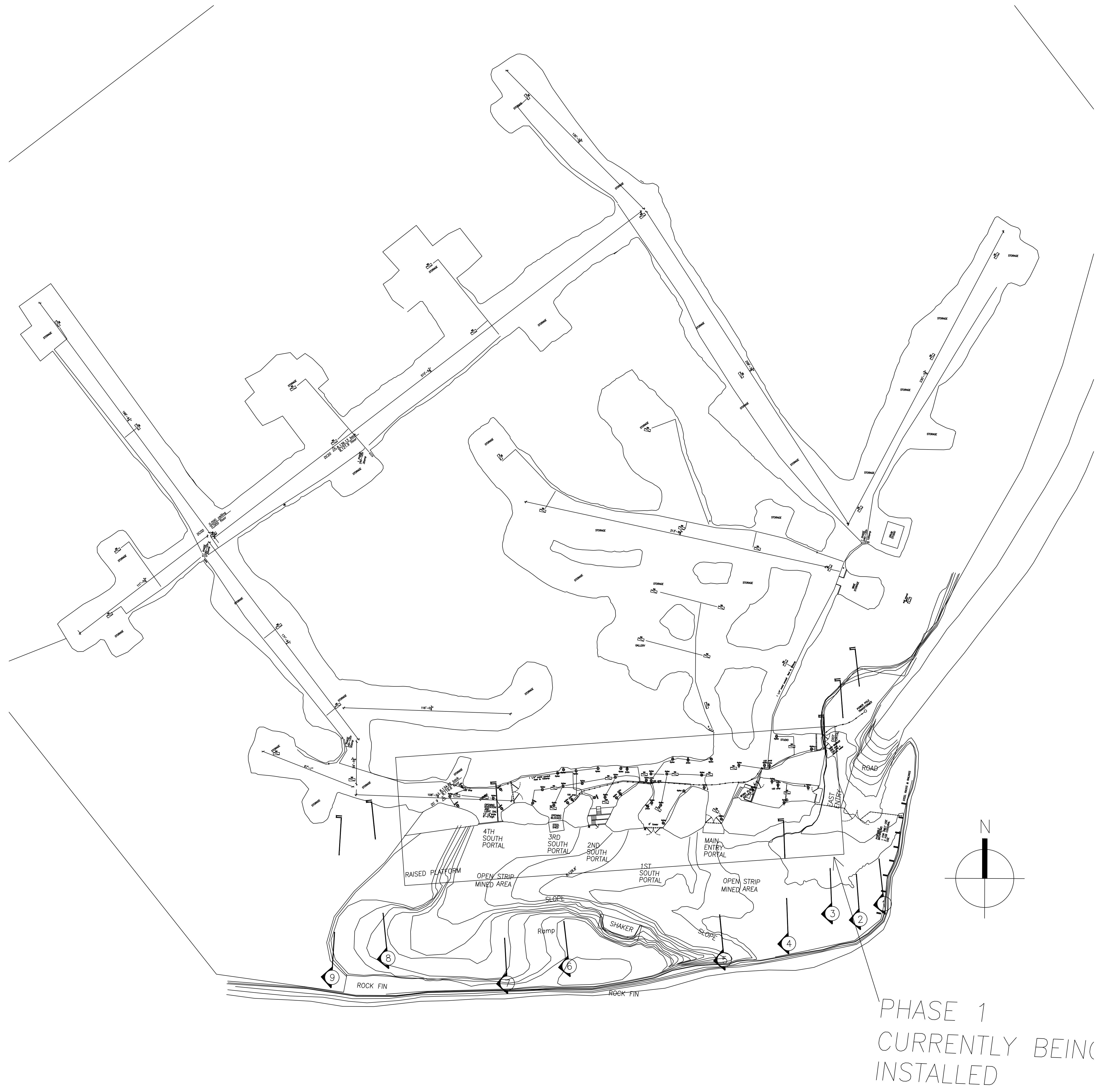
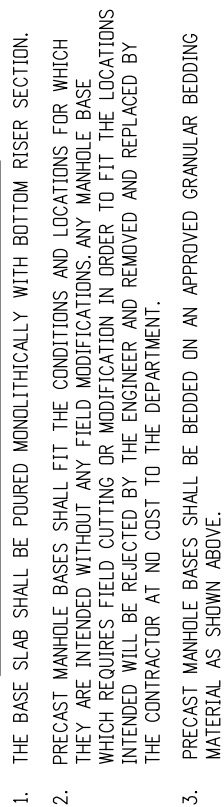
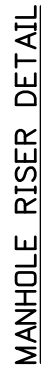
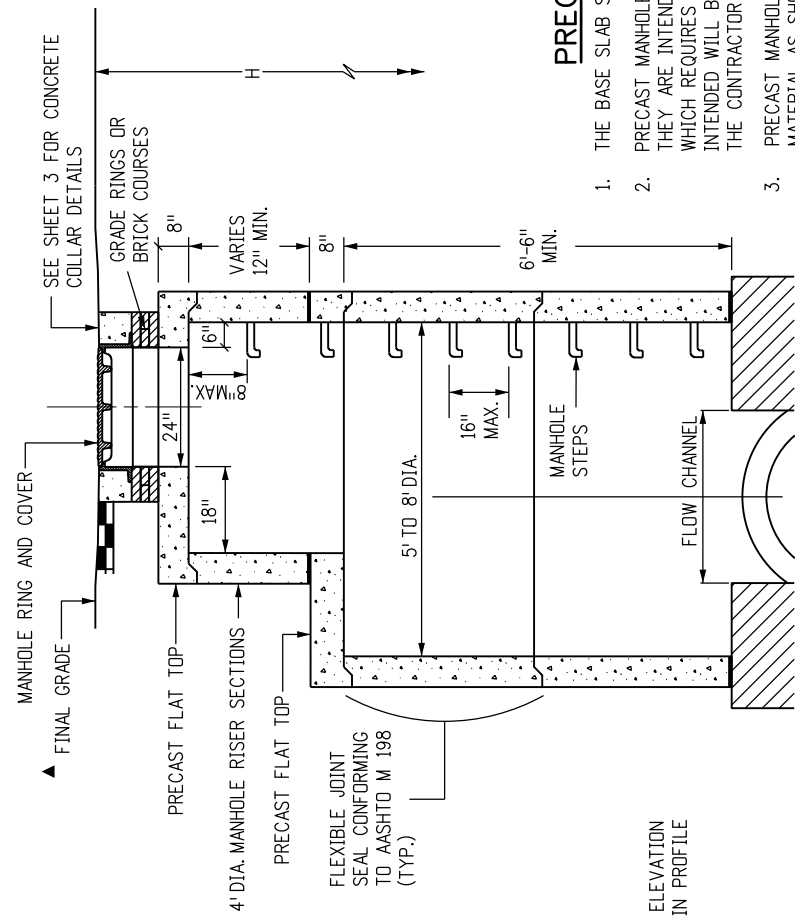
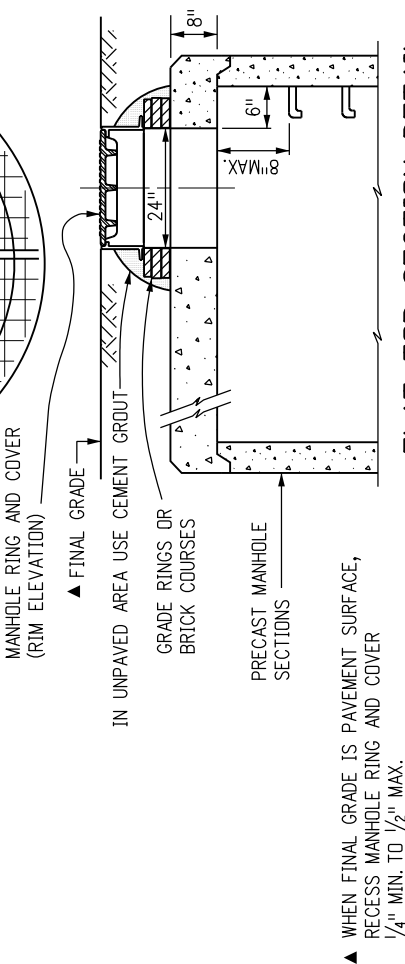
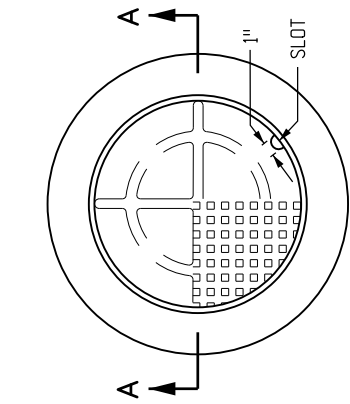
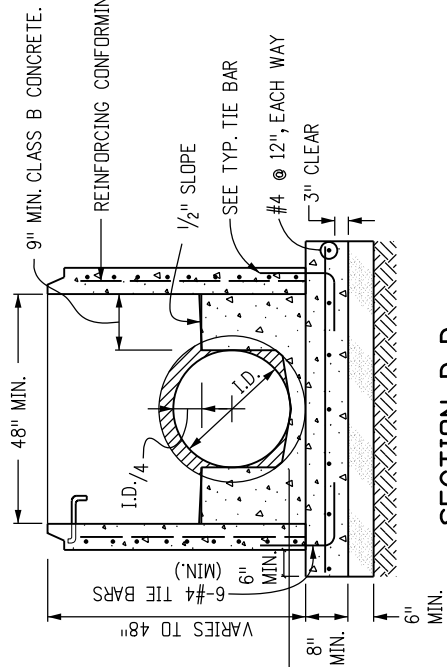
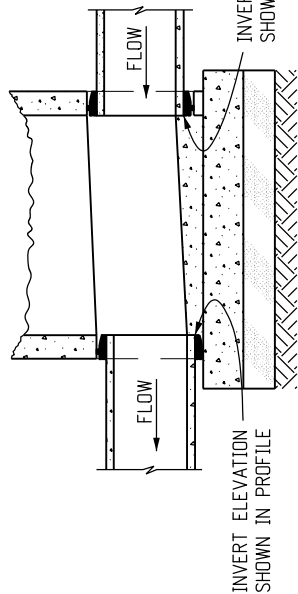
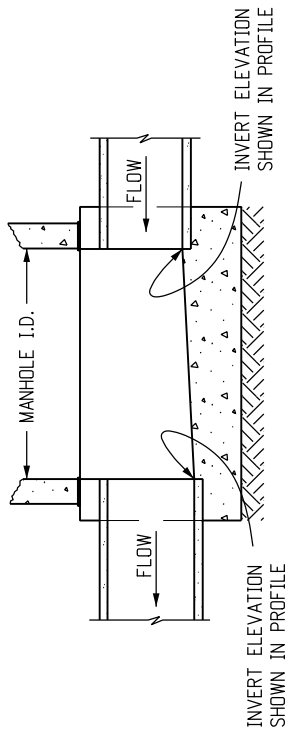
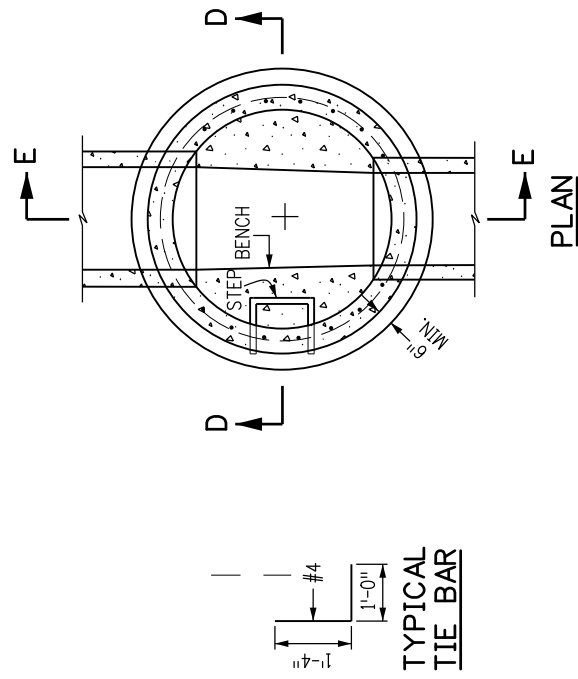
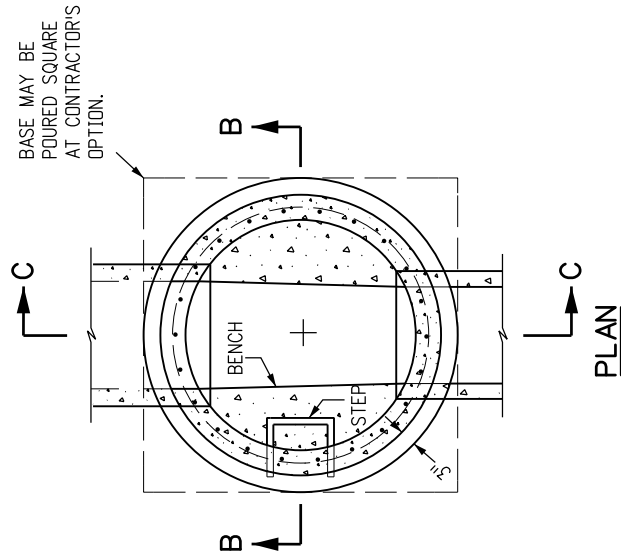
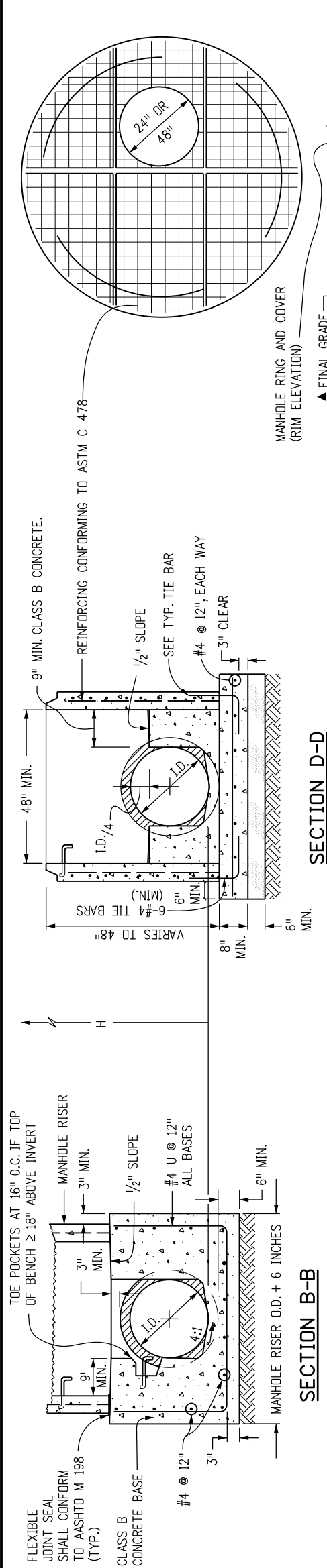


EXHIBIT K – Electrical & Lighting



ELECTRICAL & LIGHTING
PROPOSED IN PROCESS

EXHIBIT L – Wellhead Vault (ref. Subdivision Exemption plan for bringing wellhead below grade for 2 Story at 53 Deep Creek Road)



Computer File Information		
Creation Date:	07/31/19	(R-X)
Designer Initials:	JBK	(R-X)
Last Modification Date:	07/31/19	(R-X)
Detailer Initials: LTA		(R-X)
CAD Ver.:	MicroStation V8	Scale: Not to Scale
Units:	English	

Sheet Revisions	
Date:	Comments

Colorado Department of Transportation
 2829 West Howard Place
 CDOT HQ, 3rd Floor
 Denver, CO 80204
 Phone: 303-757-9021 FAX: 303-757-9868
Project Development Branch **JBK**

MANHOLES	STANDARD PLAN NO.
	M-604-20
	Standard Sheet No. 2 of 3
	Project Sheet Number:
Issued by the Project Development Branch: July 31, 2019	

**APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING
REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9**

Dan Collins, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

✓

Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

✓

Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Dan Collins

Name

(Insert Applicant's name if executed by agent)

53 Deep Creek Road & LOT 4 DEEP CREEK PLACER SUBDIVISION

Physical location of Property and/or legal description

PO Box 3055, Telluride, Colorado 81435

Mailing Address (if different from above)

Date: June 21, 2022

[text/luc/certification.property.owner]

Signature: _____



* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

June 13, 2022

NOTICE TO PROPERTY OWNERS,

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various “cultural events” for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at <https://www.sanmiguelcountyco.gov/490/Other-Resources>

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

The meeting on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

Respectfully,

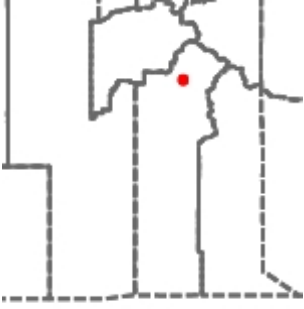
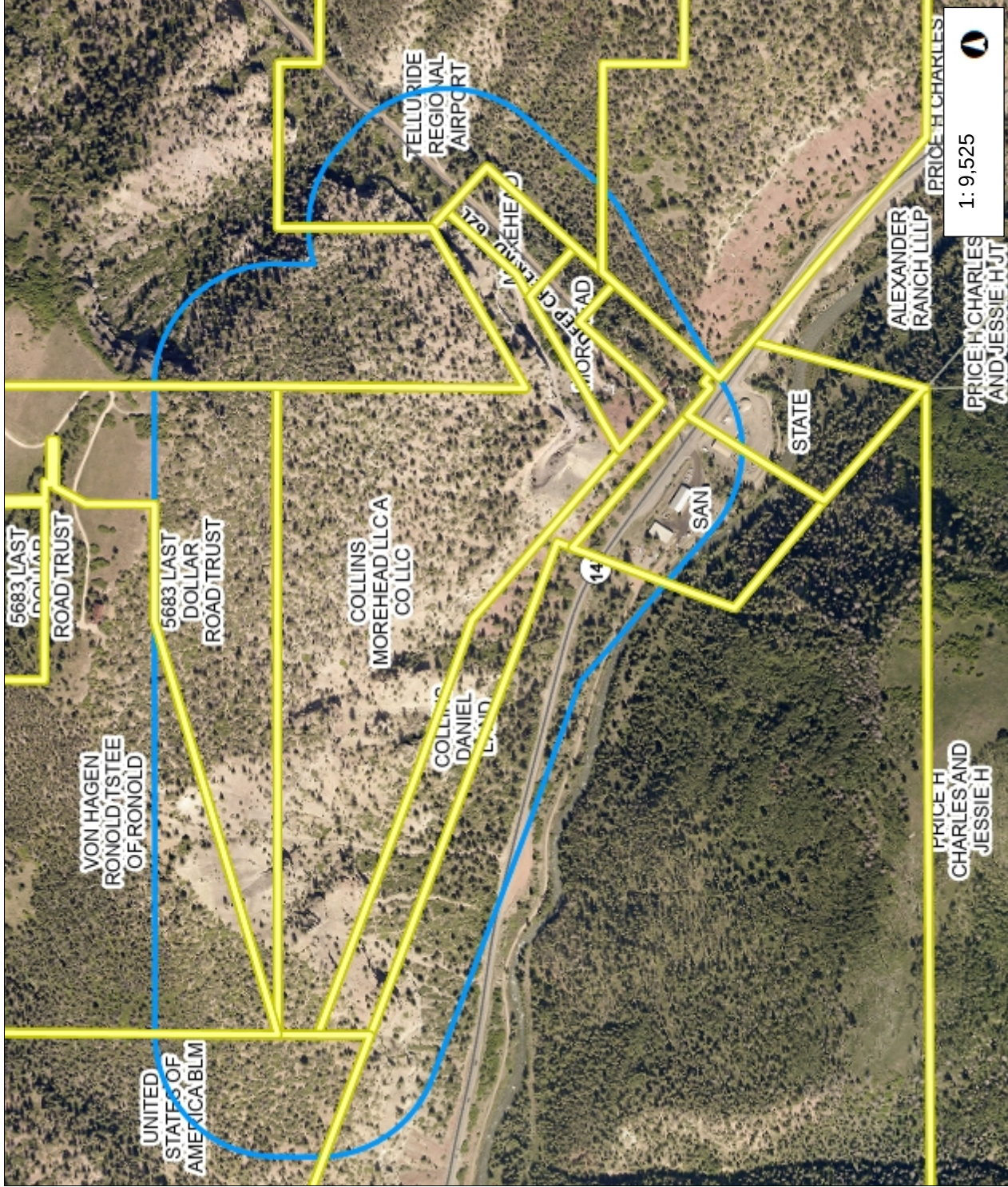


Dan Collins, Manager

NAME1	NAME2	ADDRESS2	CITY	STATE	ZIPCODE
5683 LAST DOLLAR ROAD TRUST		1801 CALIFORNIA ST STE 4400	DENVER	CO	802022662
BLM-Uncompahgre Field Office	Amy Carmicheal	2465 S Townsend Ave.	Montrose	CO	81401
COLLINS DANIEL L AND	COLLINS LAURIE LUNDQUIST	1417 S GRANDVIEW DR	TEMPE	AZ	85281
MOREHEAD FAMILY TRUST		2200 OAK PARK AVENUE	CHICO	CA	95928
SAN MIGUEL COUNTY		PO BOX 548	TELLURIDE	CO	814350548
STATE OF COLORADO	DEPT OF TRANSPORTATION	4201 E ARKANSAS AVE	DENVER	CO	80222
TELLURIDE REGIONAL AIRPORT	AUTHORITY	PO BOX 1807	TELLURIDE	CO	814351807
UNITED STATES OF AMERICA BLM	BUREAU OF LAND MANAGEMENT	POST OFFICE	WASHINGTON	DC	20500
USFS-Norwood Ranger District	Megan Eno	PO Box 388	Norwood	CO	81423
VON HAGEN RONOLD TSTEE OF RONOLD	VON HAGEN 07 REV TST DTD 06 15 07	PO BOX 4728	JACKSON	WY	830014728



San Miguel County, Colorado
Map Viewer



Legend

- San Miguel Road Label
- Road
- Tax Parcels cache
- Tax Parcel

Map Generated
6/9/22 3:20 PM

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

www.sanmiguelcountyco.gov

SAN MIGUEL COUNTY PUBLIC HEARING NOTICE

APPLICANT'S NAME: DAN COLLINS for
COLLINS-MOREHEAD LLC

APPLICANT'S CONTACT: Dan.collins@asu.edu

TYPE OF DEVELOPMENT APPLICATION: _____
SPECIAL USE PERMIT TO ALLOW LIGHT INDUSTRIAL, RESEARCH
AND DEVELOPMENT FACILITIES FOR ARTISANS AND CRAFTSMEN;
AND
SPECIAL USE PERMIT TO ALLOW FOR VARIOUS CULTURAL EVENTS FOR
THE PUBLIC AT THE FORMER MINE

DATE OF HEARING: THURSDAY, JULY 14, 2022

PLACE OF HEARING: ON-LINE; TO Join the Meeting

<https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277;

Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long-distance rates may apply)

TIME OF HEARING: 10:00 A.M.

DECISION - MAKING BODY: _____
SAN MIGUEL COUNTY PLANNING COMMISSION

FOR MORE INFORMATION – GO TO www.sanmiguelcountyco.gov/198/Planning

Please publish the following Legal Ad in the:

NORWOOD POST AND TELLURIDE DAILY PLANET on WEDNESDAY July 6, 2022

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



COUNTY PLANNING COMMISSION

MEETING AGENDA July 14, 2022

Online Meeting

MEETING INFORMATION - This meeting will be held online. To join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply)

9:00 AM Site Visit: SUPs Artisans, Cultural Events at Lot 4, DCP former mine, CR 62L

1. **10:00 AM CALL TO ORDER**
2. **APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS**
3. **10:00 AM PUBLIC HEARING:**

Applicant(s): 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 persons to occur at former mine. MOTION

5. **WORKSESSION:**

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

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.

The official, designated posting place for all CPC notices, agendas is online at <https://www.sanmiguelcountyco.gov/AgendaCenter>. Use this link to view the 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.

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

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, JUNE 29, 2022

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

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various “cultural events” for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

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Norwood Classifieds

Help Wanted



The Telluride Regional Medical Center is seeking to hire a full-time Executive Assistant

This position reports directly to the CEO, performing advanced clerical and administrative support primary to the CEO and, secondarily, to the management team of TRMC.

Education/Experience: 2 years beyond high school (e.g., Associate degree). Bachelor's degree (B.A.) from a four-year college or university preferred. One to two years related experience and/or training in a healthcare setting is preferred. 5+ years administrative experience is preferred.

Position is full-time and non-exempt. The salary range for this position is \$32-35 per hour. A competitive Salary and Benefits package is available.

Telluride Regional Medical Center is an Equal Opportunity and Affirmative Action Employer and healthcare provider, providing the highest quality, comprehensive Primary Care and exceptional Emergency & Trauma Services to all residents and visitors to our region. We celebrate diversity and are committed to creating an inclusive environment for all.

Position will remain open until filled. Candidates may apply for the position at <https://jobs.tellmed.org>



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CSR's are the face of our company and must be brand ambassadors. Daily tasks include completing a variety of account transactions, opening new accounts, serving as a point of contact for any customer needs, selling new products and services to customers, etc.

HS Diploma and 1 year cash handling and customer service experience is preferred but not required.

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-Paid Holidays
-Ski Pass Bonus

Starting Rate of Pay is from \$18.00 per hour, depending on experience.

To apply and learn more: www.csbcolorado.com/careers or call our Telluride Branch at 970-729-8199

Citizens State Bank is an EOE/Affirmative Action employer, all qualified applicants will receive consideration for employment w/o regard to Age/ Minority/ Veterans/ Disabled/ Sexual Orientation/ Gender Identity/ Religion/National Origin.

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UMC is hiring a Chief Finance Officer

The CFO is responsible for providing leadership and oversight of the overall financial planning and financial operations of UMC in support of UMC's mission.

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Pay range - \$75,000 to \$100,000 annually

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Dial 728-9788 ext. 101 to find out more!

RECIPE

Chewy chilled noodles make the perfect summer salad

By CHRISTOPHER KIMBALL
Christopher Kimball's Milk Street

As summer sets in, warm bowls of chewy, satisfying ramen and soba can take a refreshing turn to become the center of refreshingly chilled salads such as *hiyashi chuka*.

The Japanese dish typically is served as a cone of chilled ramen noodles covered with julienned strips of several ingredients, including cucumber, ham, omelet, ginger and carrot. Poached shrimp and chicken also are common additions.

We took loose inspiration from this salad for a chilled noodle recipe in our book "COOKish," which limits recipes to just six ingredients without sacrificing flavor. Paring down the ingredient list to essentials was key, and happily shrimp, scallions, noodles and a flavorful dressing didn't leave us needing more. That's partly thanks to using seasoned rice vinegar, which is flavored with sugar and salt, making it a three-in-one ingredient that punches above its weight.



This image shows a recipe for Ramen Salad with Shrimp and Scallions. (Milk Street via AP)

When shopping, look for non-instant dried ramen, sometimes called chukamen or chuka soba; the noodles may be straight or

curly. Additional options for topping the salad include shredded carrots, slivers of tomato and shredded lettuce.

RAMEN SALAD WITH SHRIMP AND SCALLIONS

Start to finish: 25 minutes
Servings: 4

- 1/3 cup low-sodium soy sauce
- 2 tablespoons seasoned rice vinegar
- 2 teaspoons toasted sesame oil, plus more to serve
- 1 pound cooked, peeled shrimp, cut into 1/2-inch pieces or 2 cups cooked shredded chicken
- 1 bunch scallions, thinly sliced or 1 small cucumber, halved lengthwise and thinly sliced or both

Cook the noodles in a large pot of boiling water until tender, then drain, rinse with cold water and drain again. In a large bowl, mix the soy, vinegar and sesame oil. Add the noodles and toss. Divide among 4 serving bowls, then top with shrimp and scallions. Drizzle each portion with additional sesame oil. Optional garnish: Toasted sesame seeds or pickled ginger or both

Legal Notices

INVITATION TO BID

San Miguel County Board of Commissioners, care of Ryan Righetti, Director, San Miguel County Road & Bridge, 1120 Summit Street, Norwood, CO 81423 (mailing: PO Box 426, Norwood, CO 81423) is accepting bids based on presumed quantities until 4:00 P.M., on Thursday, July 14, 2022 for the San Miguel County Road K69 (CDOT Project #22877) paving of approximately .5 mile,. All Bids that have been received

in person, mail, or by email at roadandbridgesealedbid@sanmiguelcountyco.gov will be publicly opened and read aloud at 4:30 PM, on July 14th, 2022, in the Conference Room at 1120 Summit Street, Norwood, Colorado. San Miguel County Road K69 is located at the East End of the Town of Telluride.

Contact Ryan Righetti at 970-327-4835 to schedule an onsite meeting and for any questions if needed.

Copies of the Contract Documents, complete with Construction Specifications and Drawings, may be obtained from the San Miguel County Road and Bridge Office at 1120 Summit Street, Norwood, CO 81423 or by phone (970-327-4835) or email (roadbridge@sanmiguelcountyco.gov). No partial sets will be issued.

Bids will be received as set forth in the Bid Form - Section 3.

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review

by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at <https://www.sanmiguelcountyco.gov/490/Other-Resources>

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

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For Dining Room Positions:
Call Mariana at (970)234-3450 or email: marianacarolei@gmail.com

For Kitchen Positions:
Call Ricki at (970)708-1866 or email: rickicosmotelluride@gmail.com



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The **San Miguel Resource Center** offers support for survivors of domestic violence and sexual assault.

We are hiring an Advocate Coordinator and Executive Director to join our nonprofit.

Please visit www.smrcco.org for job descriptions and application instructions.

Kitchen prep, line, dishwasher needed. Part or full. Flexible hours. Ania's Table Mt. Village.
[Email koda1775@hotmail.com](mailto:koda1775@hotmail.com)

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Help Wanted



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Events Manager

Director of Spa

ENTRY LEVEL POSITIONS

Bell Attendant \$16.00 + Tips

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In-Room Dining Server \$10.00 + Tips

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Concierge \$20.00 + Commissions

PBX \$18.00

Spa Concierge \$18.00 + Commissions

Nail Tech \$15.00 + Tips and Commissions

Hair Stylists \$15.00 + Tips and Commissions

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Housekeeping Coordinator \$18.00

Maintenance Tech. \$18-\$24

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Rentals

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Short Term
Parking
Rentals Wanted
Roommates Wanted
Storage
Vacation Rentals

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turnkeytelluride@gmail.com

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plus Direct TV and Wifi included. \$2500.
(970) 708-2393.

Caretakers

Seeking live-in caretaker for ranch in Norwood.

Responsibilities: Taking care of chickens, gardens and other basic maintenance jobs on property. Ideal candidate is reliable, has good communication physically fit and has references.

Fully furnished room on property in exchange for caretaking responsibilities.

10 min. drive to Norwood

Email mvc2019@yahoo.com

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Dial 728-9788 to find out more!

Legals

Telluride
Liquor Licensing Authority

PUBLIC NOTICE is hereby given that pursuant to the Liquor Laws of the State of Colorado, Lumpy Judge, Inc dba Uno Dos Tres (Kenneth Rosen, Owner, 447 W. Galena Ave, Telluride, CO 81435) is requesting that the Telluride Town Council, acting as the Liquor Licensing Authority, grant a Hotel and Restaurant License for use at 123 S. Oak Street, Telluride, Colorado, 81435. The hearing on the above application will be heard on July 12, 2022 via an in-person/virtual hybrid meeting to begin at 10:00 am. Meeting ID: 852 7858 0131 Passcode: 929165 The application was filed on May 16, 2022. Remonstrances may be filed at Town Hall, 135 W Columbia, emailed to clerks@telluride-co.gov or mailed to the Town of Telluride, Town Clerk, PO Box 397, Telluride, CO 81435.

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Dan Collins, Managing Partner, (Applicant) on behalf of Collins-Morehead LLC, (Property Owner), proposing Special Use Permits to allow light industrial, research and development facilities for artisans and craftsmen; and, to allow various "cultural events" for the public at the former mine, a 47-acre property, Parcel No. 456326400028, located north of Highway 145 on County Road 62L, aka Deep Creek Road. Special Use Permits in the Heavy Commercial (HC) zone district require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 B. III. and IV.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. Thursday, July 14, 2022 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. The application is available on-line at <https://www.sanmiguelcountycogov/490/Other-Resources>

Written comments of more than one page may not receive complete consideration if not received by July 7, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountycogov



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Only You Can Prevent Roadkill! Slow Down! Pay Attention!

Flash headlights 3 times to warn oncoming drivers of wildlife on or near roadways.

Colorado State Patrol wants to remind you to lower headlights within 500 ft. of oncoming vehicles.



John Huebner <johnh@sanmiguelcountyco.gov>

SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Fri, Jun 10, 2022 at 3:17 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Chris Smith <chriss@sanmiguelcountyco.gov>, Lucas West - DNR <lucas.west@state.co.us>, Gregory Powers - DNR <gregory.powers@state.co.us>, Kelly Crane <kelly.crane@state.co.us>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Scott Heidergott <sneidergott@telluridefire.com>, megan.eno@usda.gov, scopping@blm.gov

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

 [Deep Creek Mine SUP Application_Part2.pdf](#)

 [Deep Creek Mine SUP Application_Part3.pdf](#)

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



REFERRAL Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs.pdf
17841K



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

MEMORANDUM

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Starr Jamison, County Government Affairs and Natural Resources
Bill Masters, County Sheriff
Matt Gonzales, County Building Official
Lisa Garrett, County Site Inspector,
Chris Smith, County Environmental Health Department
Lucas West, Colorado Division of Reclamation and Mine Safety
Greg Powers, Colorado Division of Water Resources
Kelly Crane, Colorado Parks and Wildlife
Randee Reider, Colorado Department of Transportation
Scott Heidergott, Telluride Fire Protection District
Amy Carmicheal, Bureau of Land Management
Megan Eno, US Forest Service

FROM: John Huebner, Senior Planner

RE: Special Use Permit – light industrial uses, public cultural events at former Deep Creek Mine

APPLICANTS: Dan Collins, Manager

DATE: June 9, 2022

The above-referenced application is attached for your review and comment. The Planning Commission meeting date is Thursday, July 14, 2022. Please provide your review comments by July 1, 2022 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.



John Huebner <johnh@sanmiguelcountyco.gov>

RE: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Mike Bordogna <mikeb@sanmiguelcountyco.gov>
To: John Huebner <johnh@sanmiguelcountyco.gov>

Mon, Jun 20, 2022 at 2:44 PM

Thanks John, this is what I was looking for. My concern continues to be any stored flammable materials-gas or tanks for welding, etc., where the public may go within the complex and making sure that there is not a public event with fire inside the facility.
Thanks, Mike

From: John Huebner [mailto:johnh@sanmiguelcountyco.gov]
Sent: Monday, June 20, 2022 1:14 PM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>
Subject: Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

Mike,

I attached the materials you were looking for. I hope this helps!!

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

[Redacted signature]

On Mon, Jun 20, 2022 at 12:27 PM Mike Bordogna <mikeb@sanmiguelcountyco.gov> wrote:

Maybe I'm looking at the wrong attachment John, But I'm only seeing the drawings and not a written plan for the signage and egress- does that exist somewhere? Thanks, Mike

From: John Huebner [mailto:johnh@sanmiguelcountyco.gov]
Sent: Monday, June 20, 2022 9:04 AM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>
Subject: Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

Hi Mike,

The special events information is concentrated on pp. 5-9.

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

On Fri, Jun 17, 2022 at 3:31 PM Mike Bordogna <mikeb@sanmiguelcountyco.gov> wrote:

John, this request doesn't seem to include the hosting of public events and parties, or did I miss that? That is my greatest concern when there could be dozens of people without detailed knowledge of the facility in an enclosed space with flammable materials, creating a public safety hazard. Thanks, Mike

From: John Huebner [mailto:johnh@sanmiguelcountyco.gov]

Sent: Friday, June 10, 2022 3:18 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Starr Jamison <starrj@sanmiguelcountyco.gov>; Bill Masters <billm@sanmiguelsheriff.org>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Lisa Garrett <lisag@sanmiguelcountyco.gov>; Chris Smith <chriss@sanmiguelcountyco.gov>; Lucas West - DNR <lucas.west@state.co.us>; Gregory Powers - DNR <gregory.powers@state.co.us>; Kelly Crane <kelly.crane@state.co.us>; Reider - CDOT, Randee <randee.reider@state.co.us>; Scott Heidergott <sheidergott@telluridefire.com>; megan.eno@usda.gov; scopping@blm.gov

Subject: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

John Huebner [Deep Creek Mine SUP Application_Part2.pdf](#)

Senior Planner

San Miguel County Planning Department
[Deep Creek Mine SUP Application_Part3.pdf](#)

Office: (970)728-3083

www.sanmiguelcountyco.gov





John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Scott Heidergott <sheidergott@telluridefire.com>
To: John Huebner <johnh@sanmiguelcountyco.gov>

Tue, Jun 21, 2022 at 9:41 AM

John,

Comments from TFPD:

- 1) A fire lane shall be maintained from CR 62L to the mine parking area.
- 2) A fire apparatus turnaround to meet 2018 IFC Figure D103.1 shall be maintained and clear at all times.
- 3) A monitored alarm notification system per NFPA 72 shall be installed in occupied areas.
- 4) Water for fire suppression is available and deliverable on site in amounts designated as appropriate by the SMC Fire Marshal. (See Exhibit G). I was unable to find information on Exhibit G and there is no SMC Fire Marshal, I assume it meant TFPD Fire Marshal.
- 5) No fire events to be conducted inside the mine.
- 6) Egress signage throughout to be inspected on completion.

Kind regards,

On Fri, Jun 10, 2022 at 3:18 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

 [Deep Creek Mine SUP Application_Part2.pdf](#)

 [Deep Creek Mine SUP Application_Part3.pdf](#)

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



--



Scott Heidergott

Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | <http://telluridefire.com/>
PO Box 1645
131 West Columbia Avenue
Telluride, CO 81435

Station: 970-728-3801
Fax: 970-728-3292

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John Huebner <johnh@sanmiguelcountyco.gov>

Fire Marshall's requirements for Deep Creek Mine

1 message

Daniel Collins <dan.collins@asu.edu>

Wed, Jun 29, 2022 at 3:32 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, "sheidergott@telluridefire.com" <sheidergott@telluridefire.com>

Cc: Anton Vidity-Ward <antonviditzward@gmail.com>, Laurie Lundquist <willcoart@gmail.com>

June 29, 2022

Dear Scott: I am trying to find specific information based on your comments on our SUP application for the Deep Creek Mine. I need help with three items:

- 1) You cite the 2018 IFC regulations for emergency vehicle turnarounds. You specifically reference "Figure D103." I assume this is some kind of minimum radius. I would appreciate either the diameter of the turnaround required or a copy of the page of the regulations. I cannot access the regulations online (locked out...requires subscription).
- 2) You want a "monitored alarm notification system per NFPA 72 installed in occupied areas." I accessed the free version of the NFPA 72 regulations, but I can't seem to find any references to a "monitored alarm notification system." Would you be able to direct me to a product that would pass muster?
- 3) As far as "water for fire suppression"—what would be the requisite amounts to have stored on site and what delivery system would be acceptable? As you know, all water on site is hauled in. We currently have 2, 250 gallon totes with hand pumps located at each end of the outdoor area. Does this meet your requirements? (Most potential fires inside the mine would require A,B,C type extinguishers...which we have in each studio in the mine).

Thanks for your time and help.

Dan

Dan Collins, Owner/Operator

Deep Creek Mine

[26 Deep Creek Road](#)

PO Box 3055

Telluride, CO 81435

970-728-5266



John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

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

Mon, Jun 27, 2022 at 8:53 AM

To: Bill Masters <billm@sanmiguelsheriff.org>

Cc: John Huebner <johnh@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Chris Smith <chris@sanmiguelcountyco.gov>, Kelly Crane <kelly.crane@state.co.us>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Lucas West - DNR <lucas.west@state.co.us>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Scott Heidergott <sheidergott@telluridefire.com>, Starr Jamison <starrj@sanmiguelcountyco.gov>, megan.eno@usda.gov, scopping@blm.gov

Hello John.

It appears that one of the wells associated with these parcels, Permit number 16536-F, is a commercial well. So long as the water for these events is provided by this well, it would conform to the permitted uses and the Division of Water Resources would have no objections in this matter.

Regards,

On Fri, Jun 24, 2022 at 5:55 PM Bill Masters <billm@sanmiguelsheriff.org> wrote:

Sorry I don't get it from the application documents. In a paragraph what are they planning to do?

Specifically

1. Are people going to be living and or camping on the site?
2. How many people at one time might attend events there?
3. Is there any retail spaces , restaurants or alcohol distribution planned ?

On Fri, Jun 10, 2022 at 3:18 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

 [Deep Creek Mine SUP Application_Part2.pdf](#)

 [Deep Creek Mine SUP Application_Part3.pdf](#)

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



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Respectfully,

Sheriff Bill Masters

billm@sanmiguelsheriff.org

Direct 970.728.7948 | Cell 970.729-2025 | 24hr Dispatch 970.728.1911
Physical and Mailing Address 684 CR 63L | Telluride, CO 81435

Under the Colorado Open Records Act (CORA) all messages sent by or to me on this county-owned email account may be subject to public disclosure.

--

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/>



SAN MIGUEL COUNTY BUILDING DEPARTMENT

MATT GONZALES

BUILDING OFFICIAL

MEMORANDUM

TO: San Miguel County Planning Commission
CC: John Huebner, Senior Planner, San Miguel County
FROM: Matt Gonzales, San Miguel County Building Official
DATE: 28 June 2022

RE: Comments for the Special Use Permit Application for the Deep Creek Mine

After reviewing the application for a Special Use Permit (SUP) submitted by Dan Collins as Managing Partner of Collins-Morehead LLC, I have the following comments:

- As the historical use of the Deep Creek Mine (DCM) is changing, a building permit will be required, building code inspections will be required, and a Certificate of Occupancy (CO) will be required, verifying code compliance for the new occupancy classification;
- Based on the 2018 International Building Code (IBC) it appears that DCM's new occupancy classification will be mixed-occupancy F-1 (Factory and Industrial), S-1 (Storage), and A-3 (Assembly);
- The DCM should not be occupied as such until after a CO has been obtained;
- Prior to issuance of a CO, the County Engineer should provide verification that the DCM is suitable for occupancy;
- Because there appear to be many building code compliance requirements in question, I recommend that the Planning Commission continue the SUP hearing to allow the Applicant time to prepare building plans that address all potential building code issues, including, but not limited to:
 - Requirement for fire suppression based on occupancy classification and square footage in coordination with Telluride Fire Protection District;
 - Accessibility;
 - Maximum travel distance as it pertains to egress;
 - Egress lighting;
 - Egress signage;
 - Ventilation rates according to occupancy classification and occupant load;
 - Bathroom facilities dependent on occupant load.



COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

John Huebner
Senior Planner
San Miguel County Planning Department
PO Box 548
Telluride, CO 81435
June 27, 2022

Dear Mr. Huebner,

Colorado Parks and Wildlife (CPW) has received your request to review and provide comments on the Special Use Permit application for light industrial uses and public cultural events at the former Deep Creek Mine. I have reviewed the application material provided to us and have determined that the events requested on the Special Use Permit will most likely have minimal impacts on local wildlife species.

The former Deep Creek Mine lies within the following CPW mapped wildlife species activity ranges: black bear overall range, elk summer, winter and severe winter range, mountain lion overall range and mule deer summer and winter range.

Our two main concerns for the increased use on this property are fences and bear attractants. We recommend that fences on this property be kept to a minimum and follow CPW's *Fencing with Wildlife in Mind* guidelines. Fences can impede movement of wildlife, especially during the critical winter months. While this area around the former Deep Creek Mine is not mapped within a black bear/human conflict area we recommend that bear proof trash cans and dumpsters be used at all times on the property. Unsecured trash is the main attractant for bears. Events on this property with up to 200 people will generate a lot of trash and can potentially attract bears to the area creating conflicts.

Thank you for providing us the opportunity to comment. If you have any questions you can contact me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6010.

Sincerely,

Kelly Crane
District Wildlife Manager - Ridgway





John Huebner <johnh@sanmiguelcountyco.gov>

PERMIT RESPONSE TIME DELAYED Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Reider - CDOT, Randee <randee.reider@state.co.us>

Fri, Jun 10, 2022 at 3:22 PM

To: johnh@sanmiguelcountyco.gov

Please note, the CDOT Permits Department is currently extremely short staffed. Email responses will be delayed and a permit status update may take up to 45 days. Thank you in advance for your patience.
For general questions related to Utility/Special Use Permits & Access Permits, please contact the front desk at (970) 385-1453 and your inquiry will be routed appropriately.

--

Thank you,

Randee Reider

Access Manager

Region 5 - Traffic & Safety



COLORADO

Department of Transportation

Region 5

P 970.385.3626 | F 970.385.8361

3803 N. Main Ave., Suite 100, Durango, CO 81301

randee.reider@state.co.us | www.codot.gov | www.cotrip.org





John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Deep Creek Placer Lot 4.Mine Artisan and Cultural Events SUPs

1 message

Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>
To: John Huebner <johnh@sanmiguelcountyco.gov>

Wed, Jun 29, 2022 at 11:18 AM

No comments or suggestions from our office.

On Fri, Jun 24, 2022 at 4:18 PM Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org> wrote:
I have solicited comment. I will let you know Tuesday.

On Fri, Jun 24, 2022 at 3:30 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

Hi Jennifer,

It would be a big assist if you could submit any formal Sheriff Office comments concerning this application by Tuesday the 28th.
Hope you have a great weekend!!

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



On Fri, Jun 10, 2022 at 3:17 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Dan Collins, Collins-Morehead LLC for a San Miguel County Special Use Permit for the proposed light industrial uses for artisans and craftsmen; and Special Use Permit for "Public Facility" to allow specific cultural events at the former mine. Please provide comments by Friday, July 1, 2022 to me and contact me know if you have any questions. Regards,

 **Deep Creek Mine SUP Application_Part2.pdf**

 **Deep Creek Mine SUP Application_Part3.pdf**

John Huebner
Senior Planner
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Office: (970)728-3083
www.sanmiguelcountyco.gov



--
Jennifer Dinsmore
San Miguel Sheriff's Office
jenniferd@sanmiguelsheriff.org
970-596-3100



AGENDA ITEM

TITLE:

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

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Project Report LUC Amendment Special Uses.pdf](#)

Description:

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Update to the San Miguel County Land Use Code regarding Special Use Permits
DATE: July 14, 2022
[Z:\Applications\2022_Special Uses_Section 5-10_LUC Amendment]

Discussion

Existing Land Use Code Section 5-10, Special Uses provides standards for the review process for uses proposed in zone districts that because of their inherent nature, extent and external effects may be allowed only subject to either One-step or Two-step review. Review are conducted by either the Planning Commission or Board of County Commissioners or both.

The primary intent of the today's worksession to provide input to Planning staff. The BOCC has requested that language be added to Special Uses related to the cumulative impacts of current and proposed uses and to annual reviews of approved uses. Staff will be drafting an amendment to the Special Uses LUC section for Planning Commission review and recommendation at a future meeting.

New language will need to identify what constitutes cumulative impacts (i.e. multiple special uses on the same property, multiple uses in a zone and intensity of use(s)). Standards will address the mitigation of the cumulative impacts identified. An amendment would open up the potential to address impacts of dissimilar or unrelated uses in an area.

Also, the procedures and standards for the annual review of approved uses should be included in the Code. Other changes could be proposed to improve clarity of the requirements and standards, to address issues and impacts that are not included in the existing criteria, or to require additional submission materials.

This section has been updated since the Code's adoption. Most recently, Section 5-1005, Violations was added.

Proposed Amendment

The existing LUC Section 5-10, Special Uses is attached. The CPC should provide direction to staff regarding changes that should be included in the draft LUC amendment.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to 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 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All 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.

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

The Use shall be:

- I. Consistent with the County Master Plan;
- II. Consistent with County Land Use Policies in Article 2;
- III. Consistent with the purpose of the Zone District in which it is proposed to be located;
- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;
- V. 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. Impacts on Surrounding Area

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, 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.

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;
- I. Weed control plan that must include use of weed free hay or straw;
- II. Wildlife Plan (see Section 5-407 A. XII.); and
- XI. Additional permits as necessary from other agencies.

5-1002 F. Review 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. If the owner 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. 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.

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. 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 permitted and/or commenced, 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.

Review 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.

- II. If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be 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 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 Special Uses are the same as those for Review of Approved Special Uses set forth in 5- 1002 F. I.

5-1003 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.

5-1003 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 percent or decrease the open space on the site by more than three percent.

5-1004 Standards for Golf Courses in all Zone Districts

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 (F Zone), and 5-1004
- 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)

5-1004 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.

5-1004 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 reserved 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.

5-1004 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.

5-1004 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.

5-1004 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 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 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.

5-1004 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 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 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.

5-1004 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.

5-1004 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.

5-1004 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.

5-1004 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 5-1004 I, during construction and for a predetermined amount of time following construction.

5-1005**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.