

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

July 11, 2024

Sherrif's Annex Norwood and Online

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
Ian Bald, Member
Galena Gleason, Member

Absent: Mathew Bayma, Member

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

County Staff Present: Amy Markwell, County Attorney

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

APPROVAL OF MINUTES

MOTION by Ian Bald to approve the June 13, 2024 minutes

SECONDED by Josselin Lifton-Zoline motion **PASSED 5-0**

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission, there are currently no applications for August so there may not be a Planning Commission meeting. The Board of County Commissioners tabled the deed restriction Land Use Code Update. Kaye is still working with Design Workshop to finalize the Master Plan.

Jarrold Biggs, Assistant County Manager, gave an update regarding the affordable housing needs survey.

9:15 A.M. PUBLIC HEARING: AMENDMENT TO THE LAND USE CODE FOR SOLAR ENERGY SYSTEMS WITH RELATED AMENDMENTS

Kaye Simonson, Planning Director, presented a PowerPoint, regarding the amendment to the Land Use Code, creating a new section for Solar Energy Systems. Kaye also introduced David Baumgarten of Sullivan Green Seavy Jarvis.

Lee Taylor asked what the difference is between a micro grid and a medium facility.

Kaye Simonson responded that a microgrid is dedicated entirely to its subscriber base whereas a medium facility may be connected to SMPA.

Galena Gleason asked if the ability to modify setbacks was too vague.

Kaye Simonson responded that setbacks that work for some properties may not work for others, occasionally the property next door may not be developable and the need for larger setbacks would not be necessary.

Galena Gleason responded that she felt part of the reason 40 acres was decided on as the upper threshold for medium scale was due to the large setbacks which meant the entire 40 acres would not be solar.

Lee Taylor asked about the difference between security fences and wildlife friendly fences.

Kaye Simonson responded that we have worked extensively with CPW to write standards for fencing that keeps larger animals out but allows for the passage of smaller animals.

Josselin Lifton-Zoline suggested adding something in the large-scale section regarding the county's needs and solar developments in neighboring counties.

Lee Taylor suggested that proposals create a narrative regarding how they are contributing to the county's energy goals.

10:30 a.m. Public Comment opened.

Those who addressed the commission:

Zach Snyder

Adrienne Dorsey

Allison Jackson

James John

Mike Malley

Peggy Smelt Day

Craig Greager

Michael Grubal

Ashley Woodward

Mckay Belk

Tami Saint Germain

David Haight

Charmaine Toume

Alexandra Thompson

Sepp Seitz

Kim Wheels

Terri Lamers

Ryan Howe

Mary Ann Gaston

Emily Masson

Public Comment closed 11:53 p.m.

Kaye Simson stated that there may be individuals who may want to use their land for solar and we don't want to prevent them from that opportunity.

Galena Gleason stated that she supports the inclusion of the word economic, under our values.

Josselin Lifton-Zoline stated that the market forces will protect agricultural land if it is more valuable as agricultural land than solar panels. Maybe we should put a limit on the number of large-scale applications we review in the first few years similarly to the way we did with new marijuana grow operations.

David Baumgarten noted that we can only limit the number of permits on private land and cannot pre-empt federal laws for public lands.

Galena Gleason suggested we discuss the 40 acres cap for medium scale.

Lee Taylor commented that the industry leaders have told us that 50 acres are economically viable for commercial scale.

Galena Gleason asked what the commission thought about capping medium solar at 30 acres.

Kaye Simonson responded that this would preclude the upper end of solar gardens from receiving government funding.

Lee Taylor suggested that we set a maximum of 50 percent prime farmland to be utilized if agrivoltaics are involved and 30 percent max if agrivoltaics are not involved and setting medium scale at 20 acres.

The commissioners deliberated further.

MOTION by Galena Gleason to **RECOMMEND** to the Board of County Commissioners to amend the San Miguel County Land Use Code and adopt the regulations for Solar Energy Systems adding Article 6, Natural Resources, and make necessary amendments related to Solar Energy Systems throughout the Land Use Code, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. I further move that:

1. The amendments shall include all changes as shown in the updated redlined version provided by the consultant in response to referral agency comments.
2. Change the upper limit of medium scale to 30 acres, with a corresponding change to large-scale.
3. Revise the requirements for location on NRCS mapped land to occupy up to 30% of prime if irrigated agricultural land or occupy up to 50% if they are using agrivoltaics.
4. Allow no more than 3 large scale permits on private lands shall be issued within a 5 year period, beginning with the issuance of the first permit. This limitation shall not apply to systems on public lands due to state and federal laws.
5. Under Section 6-201 A. Purpose add “grazing” in addition to farm land and add “economics” under the listed values.

SECONDED by Josselin-Lifton Zoline. **VOTE PASSES 5-0**

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

1:00 p.m. Recessed

1:30 p.m. Reconvened

1:30 P.M. LAND USE APPLICATION

Applicant: Nicole Galloway Warland, Thor Energy PLC

Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands

Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line

Size: 1.09 acres

Zone: West End (WE)

John Huebner, Senior Planner, presented the application.

Nicola Galloway Worland, Thor Energy, presented a supplemental PowerPoint.

Josselin-Lifton Zoline asked if Thor has any mineral exploration projects in Montrose County.

Tony Adkins responded that they do have one project area in Montrose County.

1:40 pm Public Comment opened.

Those who addressed the commission:

Amy Tooker

Ryan Howe

Kendra Ballard

Makayla Gordon

MOTION by Galena Gleason to **RECOMMEND** to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.
2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor, prior to commencement of drilling activities.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.
7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to August 1 to October 30 in 2024 and 2025.
10. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
11. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
12. The revegetation plan shall include soil restoration and best practices to maximize available water.
13. Provide documentation regarding the water source(s) for the project.
14. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.
15. Applicant shall obtain a Road and Bridge Access Permit prior to commencing operations.
16. Applicant will adhere to the applicable BLM Noise Abatement regulations for this project.

SECONDED by Lee Taylor. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<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>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

2:15 PM INFORMATIONAL PRESENTATION

Heather Widlund, County GIS Director, presented information regarding an update to Land Use Code Appendix B - Street Naming and Addressing Standards.

Respectfully Submitted,

Nicola Kerr
Nicola Kerr (Oct 4, 2024 12:19 MDT)

Nicola Kerr, Associate Planner

Approved on 9/12, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION

Mathew Bayma
Mathew Bayma (Oct 7, 2024 15:06 MDT)

Mathew Bayma, Secretary

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