

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

June 13, 2024

333 West Colorado Avenue Online Meeting

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

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

County Staff Present: Amy Markwell, County Attorney
Jarrod Biggs, Assistant County Manager

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

APPROVAL OF MINUTES

MOTION by M.J. Schillaci to approve the May 9, 2024 minutes

SECONDED by Galena Gleason. **VOTE PASSED 6-0**

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission. The county is working on remediating all of its online documents to be ADA accessible and we will make sure the EEMP is remediated before putting it out to the public. Additionally, it is M.J.'s final day on the Planning Commission.

PROCLAMATION

Recognizing M.J. Schillaci for 9 years of service to the Planning Commission.

MOTION by Lee Taylor to approve Planning Commission Proclamation 2024-02

SECONDED by Ian Bald motion **PASSED 6-0**

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

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

Applicant: Helen Thomas, Fermi Uranium Corp

Project Name: Pitchfork Project

Parcel Pin #: 455103200002

Parcel Size: 621 acres

Location: HWY 141 and CR 23, Big Gypsum Valley

Zone District: West End (WE)

Proposal: Pitchfork drilling project Mineral Exploration, Mining Special Use Permit

John Huebner, Senior Planner, presented Fermi's application.

Ian Bald asked if the only road improvements would be grading.

John Huebner responded yes.

Josselin Lifton-Zoline asked what would happen if rare plants were discovered.

Kaye responded that Planning would work with other staff and agencies to ensure their protection and appropriate cautions.

Helen Thomas, Fermi Geologist, provided a supplemental presentation.

Lee Taylor asked why there is a recent uptick in applications for uranium mining.

Bob Larson responded that it is driven by the market price and the United States is leading the market for uranium and vanadium. The shift towards nuclear energy as well as the reluctance to use Russian minerals both play a role as well.

Matthew Bayma asked if the improvements to the loop County Road 23 S road would be considered a new access road.

Bob Larson replied that he was unaware that these were county roads until today and it is something that will have to be discussed further.

Ryan Righetti, County Road and Bridge Director, commented that it is a Public road for access to BLM land.

Josselin Lifton-Zoline commented that there is a water source listed as available for the project on the property for drilling and will it be available for revegetation efforts?

Helen Thomas replied that there needs to be an addendum added that when the agricultural pond is not full, which it is not right now, the project will have to purchase water from the town of Naturita.

Josselin Lifton-Zoline asked whether this land is open to the public and what sort of fencing will be in place.

Bob Larson responded that it is private property where cattle are run and it is already gated as private land.

Lee Taylor asked if the area is fenced off.

Bob replied that there is a fence from the highway but the area itself does not have a continuous fence.

Galena Gleason asked if it seems reasonable and feasible to hire local contractors for the project.

Bob Larson, replied yes and that they will use local contractors as much as possible.

Ian Bald asked if there is intention to keep the uranium in the United States.

Bob Larson replied that we are dealing with the nuclear generating companies in the US and they are acquiring their fuel on the open market. There is no guarantee that outside countries won't make a bid on the resources.

10:14 a.m. The Chair opened the floor for public comment.

Fredrick Peterson, Highbury Resources, and family to the Barrett Brothers, stated that the county road is a joke, it is undriveable and does not go very far, he has never seen a piece of equipment on the road. Russian ore is 19 percent of what the United States uses and we would like to replace that.

10:17 a.m. Public Comment closed.

M.J. Schillaci commented that something should be added regarding the water source and the project should not be limited to purchasing solely from Naturita.

Kaye Simonson stated that a standard condition is to inform the Planning Department of the water source.

Galena Gleason asked if staff could prepare a cumulative report regarding all the permitted mining operations thus far.

MOTION by Mathew Bayma to **RECCOMEND** to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Fermi Uranium Corp. or its contractor, for mineral exploration from drill pads on mining claims on private lands located in the Big Gypsum Valley in west 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, Fermi Uranium Corp., and does not run with the Land.
2. No future mining activity at the project site by Fermi Uranium Corp., 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 Fermi Uranium Corp. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the terms and conditions of the Notice of Intent approved by Colorado Division of Reclamation and Mining and Safety (CDRMS) concerning this drilling program.
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 CDRMS approval action.
7. Provide 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 summer 2024, and shall end no later than November 30.
10. 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.
11. The revegetation plan shall include best practices to maximize available water.
12. Prefer that a local contractor be used and report to Planning.
13. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit. Provide a copy of the permit to County Planning.
14. Applicant shall obtain a Road and Bridge Aboveground Work in the Right-of-Way Permit prior to commencing operations.

15. Applicant shall obtain a Biological survey to identify rare plants in the project area, and provide a copy to County Planning Department prior to commencing operations. The applicant shall follow all recommendations in that report.
16. Resolve the County Road Location issues prior to the BOCC hearing.
17. The Applicant shall report to the planning department the source of the water.

SECONDED by M.J. Schillaci. **VOTE PASSED 4-1**

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	Aye	<u>Nay</u>	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

10:35 a.m. Recessed.

10:40 a.m. Reconvened.

10:30 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Amending Land Use Code Section 5-1305 to update affordable housing provisions governing initial qualifications / MOTION (continued from May 9, 2024)

Lee Taylor discussed whether he needs to recuse himself and the commission decided no. Mathew and M.J. disclosed potential conflicts as well and it was decided everyone could make an unbiased decision.

Kaye Simonson, Planning Director, gave an overview of the proposed amendment and announced that a FAQ sheet was online answering a lot of the questions about deed restrictions and covenants.

Amy Markwell, County Attorney, clarified that anyone who has already signed a deed restriction with the county would not be impacted.

Courtney McEleney commented that she doesn't expect the update to have much effect on the next compliance check, the biggest issue during the 2023 compliance check was people simply not turning in the form.

M.J. asked if someone is disabled and cannot work is that a qualifying exception.

Courtney McEleney said she did not know.

Kaye Simonson stated that we would have to accommodate someone under the fair housing act if they became disabled and could no longer work.

11:24 a.m. chair opened the floor to public comment

Tom Kennedy, attorney for Lawson Hill, commented that when the deed restriction was created 20 years ago it was a mess with plat note agreements. There have been lots of procedural changes which shouldn't affect someone's deed restriction but has. We need to pause what we are doing and reform stakeholder groups. Amendments and updates are good but should involve much more public input. There are 4 or 5 communities that hold the bulk of the deed restricted housing and they need to be involved in the conversation.

Shellie Duplan, manager of Aldasoro Ranch HOA, agrees with Tom Kennedy and believes that outreach to associations was included in the original covenant and that needs to happen with this amendment. The hourly wage requirement is going to start squeezing out professionals who are the foundation of our community. She would like an answer to her question regarding the binding covenant.

Laura Ellison, Lawson Hill property owners board, commented that she felt caught off guard by the proposed amendment and they would like to be a greater part of the conversation, there is a lot of confusion. There are people who were involved in the 2008 process who should be included again.

Ginny Gordon, member of the Lawson Hill HOA board, commented that it seems like there is not process going out to stakeholders as required in the covenant. The BOCC has changed the covenant in 2023 to be much more restrictive. The Land Use Code does not match the covenant anymore, and Lois wanted to clean up this up to have the Land Use Code match once again, and the rush stemming from Lois's impending retirement is not fair. She continued that she listened to the previous meetings and took copious notes and is still confused.

Lee Roufa, resident of Aldasoro Ranch, stated that this is about defining the definition of W2 self-employed people. Lee would not qualify to live in Lawson under this current deed restriction. People are received large gifts from family members and should not be disqualified due to this.

Camille Price, homeowner in Lawson Hill, said that she did not take the time to compare to the old version of the LUC, it would be very helpful to have a redlined version to be able to know what is being changed. There needs to be more time for people to understand, she does not even know if she is under a covenant or who to ask about her documentation.

Amy Markwell commented that redline changes were included in the packet.

Mike Bordogna commented that we are doing this now due to the confusion in the recent compliance check.

Jake Mctigue, homeowner in Aldasoro, commented that this is very confusing and we are at a point where we need to unite the public. FAQ's being published a day before the hearing is not acceptable.

11:51 Public comment closed

Mathew Bayma commented that Kaye had mentioned the scheduling of a work session.

Kaye Simonson responded that the BOCC acting as the Housing Authority is planning to schedule a work session.

Josselin asked when the next round of compliance checks are.

Courtney responded that the next compliance check is in 2025 but these proposed changes would immediately affect renters looking to qualify.

Galena Gleason commented that she really supports the stakeholder group and work session.

Mathew Bayma stated that he agrees with the idea of forwarding it to the BOCC since the Planning Commission doesn't have the ability to look at the larger picture regarding covenants etc.

Galena agreed.

MOTION by M.J. to **FORWARD** to the Board of County Commissioners for the consideration of the amendment to San Miguel County Land Use Code Sections 5-1305 as noted in the packet with a very strong recommendation that a stakeholder group be formed to discuss and resolve the issues surrounding the deed restriction and the covenant;

SECONDED by Galena Gleason. **VOTE PASSED 5-0**

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

12:15 pm recessed

1:00 pm reconvened

1:00 P.M. PUBLIC HEARING

Kaye Simonson debriefed the commission on the current state of the Master Plan and the work done on it so far.

1:20 pm The Chair opened the floor for public comment.

The following people addressed the commission:

Pete Johnson

Johnnie Stevens

Catherine Winchester

Ray Bowers

Randy Liebler

Betty Hastings

Fran Berg

Jolana Vanek

Morgan Smith

Ed O' Sullivan

Pam Bennett.

James Lucarelli

Shellie Duplan

James Caruso

Tim Trulock

Robyn Van Gelder

Lauren Murray

Sill Hastings

Scott Bennet

Peter Ricciardelli

Kelly Kramer

Carolyn Jackson

Nick Farkouh

Emily Masson

Brett Porterfield

David Duty

Amy Levek

3:50 pm public comment closed and recessed

4:00 pm reconvened

MOTION by M.J. Schillaci to **CHANGE** the future land use designation of the irregular Zoline parcel A to Low Density

SECONDED by Ian Bald **VOTE PASSED 4-0** with Josselin Lifton Zoline abstaining

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	<u>Abstain</u>	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

MOTION by Matthew Bayma to **CHANGE** the name of the Future Land Use ‘Opportunities’ Map to the Future Land Use ‘Map’

SECONDED by M.J. Schillaci **VOTE PASSED 5-0**

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

MOTION by Galena Gleason to **INCLUDE** in Chapter 3 a summary of public comment received up to date

SECONDED by Ian Bald **VOTE PASSED 5-0**

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

MOTION by M.J. Schillaci to **ADOPT** the East End Master Plan as an element of the San Miguel County Comprehensive Development, and to adopt Resolution 2024-05, pursuant to Colorado Revised Statute Section 38-28-106(1), and to certify the adoption of the Plan to the Board of County Commissioners and to the Towns of Telluride, Mountain Village, Ophir, Sawpit and Norwood, pursuant to Colorado Revised Statute Section 38-28-109. Adoption of the Plan is based on the following findings of fact:

1. The East End Master Plan is consistent with Land Use Code Section 1-4, Purposes of the Land Code.
2. The East End Master Plan implements the Land Use Policies of Article 2 of the Land Use Code, and more specifically, Section 2-2, Comprehensive Planning.
3. The East End Master Plan complies with the statutory powers of the County Planning Commission to make and adopt Land Use Plans within all or any part of the unincorporated territory of San Miguel County pursuant to C.R.S § 30-28-106 et seq., and meets all statutory requirements regarding public process and required content.

Further, it is moved that the Telluride Regional Area Master Plan, a part of the San Miguel County Comprehensive Development Plan, is replaced in its entirety by the East End Master Plan. All references to the Telluride Regional Area Master Plan contained in the San Miguel County Comprehensive Development Plan shall be changed to East End Master Plan.

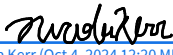
Further, staff is directed to make corrections to all typographical and scrivener's errors prior to publishing the East End Master Plan

SECONDED by Ian Bald **VOTE PASSED 5-0**

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

5:10 p.m. Adjourned

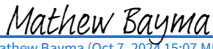
Respectfully Submitted,


Nicola Kerr (Oct 4, 2024 12:20 MDT)

Nicola Kerr, Associate Planner

Approved on 7/11, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION


Mathew Bayma (Oct 7, 2024 15:07 MDT)

Mathew Bayma, Secretary

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