



SAN MIGUEL COUNTY PLANNING COMMISSION

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

MEETING INFORMATION - This meeting will be held online due to the COVID-19 virus. To join the meeting: <http://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

1. 9:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

2a.. Approval of the April 21, 2022 minutes
[pc.4.21.22.minutes final.docx](#)

Approval of the May 12, 2022 minutes
[pc.5.12.22.minutes final.docx](#)

3. 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.

MOTION

[CPC Packet Essential Personnel LUC Amendment 060922.pdf](#)

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). MOTION

[CPC Packet 5-2 Zoning District LUC Amendment 060922.pdf](#)

4. WORKSESSION:

Discussion regarding Master Plan updates and LUC Amendments

5. 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 2a.

TITLE:

Approval of the April 21, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.4.21.22.minutes final.docx](#)

Description:

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

April 21, 2022

On-line Meeting

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

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

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office
Carmen Warfield, Clerk to the Board

9:19 a.m. Chair called the meeting to order.

The commission began by considering if any members had a conflict of interest or if there had been any ex-parte communication regarding the application. While some of the members did state they lived in Aldasoro, none had any vested interest or had participated in any ex parte communications prior to the hearing.

9:15 A.M. PUBLIC HEARING: REZONE APPLICATION

Representative: SE Group and Klein Cote Edwards Citron LLC
Applicant(s): Town of Telluride / San Miguel County
Property Owner: Diamond Ridge Telluride, LLC
Location: Last Dollar Road Parcel(s): Lots 1-R-A, 2-R, 3-R Diamond Ridge;
PIN#: 456530318011, 456530317012, 456530317013
Zone District: (F) Forestry, Agriculture and Open
Proposal: Request to Rezone a portion of the subject property to the Community Housing (CH) Zone District, LUC Section 5-324, with the remainder of the property to continue to be zoned Forestry, Agriculture and Open (F), LUC Section 5-307 MOTION

Kaye Simonson, Planning Director, gave the background and presented the rezone application for The Ridge, a community housing project rezone to Community Housing (CH). San Miguel County and the Town of Telluride are currently under contract to purchase Lots 1-R-A, 2-R and 3-R, Diamond Ridge. The intent is to rezone a portion of the property to Community Housing

(CH), for the purpose of developing affordable housing in the future. A development plan has not been prepared. Should the property be rezoned and the purchase completed, the Town and County would then move forward with development plans, at which time specific details regarding density, site design, and services would be addressed.

The subject of the proposed rezone application is Lots 1-R-A, 2-R, and 3-R of Diamond Ridge, containing about 105 acres. The property is currently zoned Forestry, Agriculture, and Open (F). The airport is immediately to the south and is zoned Public (P). The Deep Creek Ranches subdivision to the north is zoned Low Density (LD), while the other adjoining parcels are zoned F. Aldasoro Ranch, father to the east, is also zoned LD.

It is proposed to rezone only a portion of the three parcels to Community Housing (CH), with the remainder continuing to be zoned F. If approved, the BOCC resolution will include a legal description describing the boundaries of the zone district. The rezoning area is 39.21 acres.

While split zoning of parcels is not expressly prohibited by the Land Use Code, issues can be alleviated by a very specific delineation of the zoning in the approving resolution. Because the Town and County have not yet purchased the property, a property line adjustment application has not been submitted; the current owner would not want the property reconfigured. If the property is purchased, staff strongly recommends proceeding with a property line adjustment application so no parcel has more than one zoning designation.

There is a developed access point from Last Dollar Road. It is expected that development would be clustered, leaving a significant amount of area for open space, recreational trails, and other uses. Water service would come from the Town of Telluride; the Town has stated that they would be able to serve this property. Wastewater would either go to the regional wastewater treatment plants, or to an onsite system, depending on cost, design, and other development-specific considerations.

Because the actual number of units that would be developed is not known, it is not possible to do a full traffic study at this time. It is known that Last Dollar Road would have to be paved from the intersection with the airport road to the property.

Public notice was mailed to all property owners within 500 feet of the subject parcels prior to March 31, 2022. Notice was also mailed to the Bureau of Land Management as mineral rights holder on March 22, 2022. Notice of the Public meeting was posted on the property on March 25, 2022, and re-posted on April 8, 2022, after the original notice was discovered to have been removed. Removal of posted notices by parties other than the applicant does not invalidate the posting of the notice as required by the Land Use Code. The posting of the required sign was photographically documented both times.

The meeting agenda was published in the Telluride Daily Planet and Norwood Post on April 6, 2022, and the application has been available online since March 21, 2022.

The application for the rezone was sent to referral agencies with comments received from the County Surveyor, requesting corrections to the legal description. There were also comments

received by the Aldasoro Ranch Owners Company, Meadows at Deep Creek Mesa (MDCM) HOA, and the Deep Creek Ranches HOA.

There were also 99 written comments from 97 individuals received. (One person submitted 3 letters.) Of those, 77 have been in support of the rezoning, and 22 (20 individuals) have been in opposition. Those in support have written of the significant community need for affordable, workforce housing.

10:08 a.m. Break

10:15 a.m. Reconvene.

Gabby Voeller, Senior Planner with the SE Group gave her presentation. She iterated that this is a unique opportunity to house residents of the community. There are very few opportunities left close to town. It is estimated there would be 10.5 tons less of CO2 emissions with a closer commute. It is proposed as a clustered development within the R-1 school district, with municipal water that can be developed.

Jody Edwards then added to the presentation. He stated that the application is for rezoning, not development.

Kevin Geiger, Town of Telluride, Town Attorney, added that the town has evaluated the current system and can accommodate the additional demands on water independent of the Society Turn project. The commission asked what number of units the water demand was based on. Kevin replied that it was based on 150-240 units which are parallel to the Lawson Hill use. It is anticipated it would take 5-7% of the system-wide demand.

11:07 a.m. Break

11:15 a.m. Reconvene

The Chair opened up Public Comment.

Those who addressed the commission:

Doug Tooley- Concerns about County's process

Adrian Christie, TOT Council – Neighborhood & community character, agrees the project meets standards for the rezone

Christine Mitchell, Aldasoro family – The family is following their father's wishes. Vickers asked them to release the covenants. They are asking for denial of the rezoning.

Rick Simonson, Specie Mesa Resident – Does not support the density and infrastructure issues. Feels it is in the wrong order.

Ashley Story, Aldasoro family – Wants the rezone denied

Shanna Peterson, Aldasoro family – Against the rezone. Issues with DOLA application. Feels it was negligent not to include the FAA.

Dan Enright, TOT Council – Please focus on the application. Speculative & hypothetical development is not part of this application.

Melanie Brown, owner Deep Creek Meadows – Inconsistencies in the application. Feels it should be delayed

David Lavender, Deep Creek resident – Could have a profoundly negative impact on the Telluride region. Understands the desire to live here. Feels they want more affordable housing to build more hotels. It is all about the money to be made. Against development in the region. Feels this will be the end of Deep Creek Mesa as we know it.

Dave Pressler, 3620 Last Dollar – Opposes the rezoning. He was limited on his construction and only allowed one well. Feels there needs to be more discussion and participation. Requesting denial.

Virginia Luccarelli, 26-year Deep Creek resident – Against the rezoning. Feels it is moving too fast. Concerned with roads and traffic. Feels the project is not affordable. Urges a no vote.

Jim Luccarelli, Vice-Chair of Telluride Fire District board believes the District was not consulted. Feels lack of planning and thought in the application. Talked of plane crashes in the area, not a safe location for the density. The no-left turn at the Spur is not an acceptable choice.

Sarah Lavender Smith, Last Dollar Road resident – Is for affordable housing but wants delays. Will change their neighborhood. Would like the area turned into a conservation easement and preserved for Open Space.

Pam Bennett, Aldasoro sister – Original ranch was zoned in the 1970s for low-density population and sheep grazing. In 1990 Aldasoro decided to utilize the reserved zoning and to downzone Deep Creek Mesa. At that time 300 acres were zoned for the airport and the remaining area as Agriculture Forestry with one home per 35 acres. Likes the low density. PUD Agreement with Vickers and Aldasoro shows on the Title Commitment and the property transfers. Asked the Planning Commission to support the memorandum between Aldasoro and Vickers and deny the application.

Angie Peterson, Aldasoro sister- Feels all land is sacred. This location does not work for rezoning. This proposal that is before you is not with the keeping with the original plan or spirit of Deep Creek Mesa. It goes against what we as a family, and Jack Vickers agreed to when the potential golf course was denied. Even with the denial, dad still had pending financial commitments to pay off his sister Mary Louise. They were ranchers, not developers. Jack Vickers committed to buy the property even if the golf course was denied. I assure you Jack Vickers stood up, shook Aldasoro's hand. They had a deal

worked out with all the restrictions explained and agreed to. That handshake is memorialized in a recorded document with both men's signatures. This is the why behind Diamond Ranch subdivision and sale to Jack Vickers. Please hold Jack Vickers to his handshake and signature. Aldasoro's are not NIMBYists, they want to be part of the solution.

Scott Bennett, 4th Generation Local-Concern of fire danger in high density, water availability, and wastewater treatment. Struggling to keep up with current and future water demand and there are no clear funding sources. Feels should consider alternate sites for Affordable Housing. Would like to deny or continue this application

Erik Aura- Recreates in the area. Concerns of access to trails. Traffic concerns to the round-about; felt airport traffic was not included.

12:15 p.m. Break

12:24 p.m. Reconvene

Todd Creel, TOT Resident-There is a need for housing in the area. He was hired by Jack Vickers in 2017 as his broker. Feels it is a cart before the horse with this up-zoning. He stated Mr. Vickers had told him he wanted out of the agreements with the Aldasoro family. Concerns about transparency and the availability of water.

Lisa Henson-Concerned about further rezoning on the mesa.

Amy Levek, long-time SMC resident- Has seen a lot of change in our community, and the last few years have been pretty brutal with people being displaced, gentrification, and other changes that have eroded the community. Housing is the basis for keeping a community. This is a rezoning application, not a development plan. Look to the future and replace much of the housing that has been lost in addition to filling the need for affordable housing. The land does meet the feasibility of this use.

Karen Lavender, Last Dollar Resident – Main concern is traffic. The traffic makes students late to school. She is part of the three pioneering families of the mesa, Collins, Lavender and Aldasoro. Consider the history of their presence and that they are against the application.

Frannie Aura- Owns three businesses. Distressed regarding the alignment with Jack Vickers. Feels lack of due process regarding the DOLA grant. Concerned with wildlife, especially elk. Requesting a no vote. Committed to Deed Restriction, just not here.

Joanna Spindler- Supportive of the rezoning. Democracy at work. Feels these are visionary and collaborative efforts to build affordable housing. Feels the Planning Commission has used due process and aligned with years of desires for affordable housing. Pushing affordable housing out is detrimental.

Rosie Cusack-Appreciates discussion. Feels that the consultants not living here. The rezone is not right for the community. Feels that Jack Vickers should rezone all his land to help the community. Is for affordable housing.

Emily Scott Robinson- Supportive of the rezoning. Historically, the land was Ute lands before the white man's history and the Aldasoro's owned it. Feels our officials have worked so hard to develop affordable housing and this is a practical project.

Jim Farrar, Deep Creek Resident – Feels that this process is not transparent.

Jennifer Barker, Last Dollar Resident- Does not support the rezoning. The mesa is a jewel, home to wildlife. Concern for the elk.

Carolyn Farkouh, Telluride resident- Feels community housing is not compatible with Deep Creek Mesa. Feels the mesa should be preserved, not developed. Feels could do better than what is proposed.

Jesse Niethammer, works with water distribution in Aldasoro. Agree we need affordable housing. Concerns with environmental impacts on bringing water to the area. Concerned that the land cannot support this development. Objects to the rezoning.

Laurie Collins, Deep Creek Road resident – Supportive of affordable housing. Concerns with increased traffic and railroading the covenant. Wants the process to be slow and careful to avoid unintended consequences

Geneva Shaunette, TOT Council- Affordable housing is encouraged by the state. Water rights have to be approved by council and are a really big deal. There were 77 letters of support. Many members of the community are for this. Sometimes big problems take big spending to solve. There are valid concerns, if there was a perfect location the housing would already be built.

John Miller, Gold Run resident of Telluride- Supportive of the project. Every project has impacts. Not many parcels are available this close to town.

Peter Lundeen- Housing, traffic, and wildlife are concerns. Need balance. Feels there is a need for further information. Against the rezone.

Debra Harvey- Concerns with large-scale and environmental impacts. Does not feel it is a good use of taxpayer money.

Nick Farkouh, on behalf of 16 members of the Deep Creek Subdivision – Agrees with the opposition. Concerns about the process. Feels the pro-comments are misleading and 'Facebook' like. Doesn't feel it is compatible with the surrounding zone districts.

Morgan Smith- Filed a long written comment. Concerns about density and feels the community concerns are being ignored.

John Pandolfo, Superintendent of Telluride School District- The school district really needs affordable housing, it is a big issue. Public housing is of utmost importance.

Michael Saftler- The idea of affordable housing is at the forefront. Concerns with the process, water, traffic and expense. Wants to stop the process right now.

1:46 p.m. Closed Public Comment

Break

2:20 p.m. Reconvene

The commission asked if water was considered in regards to fire suppression. Kevin Geiger confirmed that the demands for fire were included in the calculations. There would need to be a tank installed, similar to the one up Tomboy Road and in Two Rivers, to be used for fire suppression.

The commission further inquired about the wildlife pathways, to which Gabby replied there would need to be a study and referral to the CPW with the development plan. It was also discussed that the FAA and Fire District were notified as referral agencies, but did not respond.

Questions were asked about a traffic report. There was only the letter submitted from the engineer that is in the application; there is no hidden traffic report.

The commission was asked by Amy Markwell, County Attorney, if they had enough information to make a decision to recommend to the BOCC regarding this rezoning.

Ian Bald asked what the negative consequences would be of having a continuance of this discussion. Kaye Simonson iterated that it would certainly affect the land purchase. If there is no rezoning the land will no longer fit the goals for affordable housing and then the property would no longer be a viable choice for the town and county to purchase. She added that the rezoning is only the first step, and then there will be a full development process with ample public review.

Matt Bayma inquired if the county had done any research on the private agreements. Kevin Geiger, TOT Attorney, responded that the property in question is not in the Aldasoro PUD. There are some linked provisions. In regards to the agreement, it is a private agreement, a personal covenant with no statement that it runs with the land. They have done some analysis and it is a contract between private parties and does not run with the property. Kevin also spoke of some interesting developments in current case law, specifically a case involving the Town of Monument, and the government not being liable for the diminution of property when buying land for residential use as the government entity obtained the property for a public purpose. The case looked at the nature of a private covenant and asked if a private covenant can restrict a governmental entity from exercising its legitimate authority to advance a public purpose. The holding states, that where a governmental entity has obtained property for public purposes (affordable housing being a public purpose) the government may use that land for a purpose inconsistent with a restrictive covenant without compensating all the other landowners who are subject to that restrictive covenant. It is as if that restrictive covenant does not apply to the

governmental entity as long as they are advancing that public purpose. He continued that, one of the comments said that it has to go through a condemnation first and get a court to decide that is the issue. That is actually not what Monument says, it's the exact opposite. It says there is no compensable interest there. It is not necessary to go through a condemnation case as it doesn't exist. It doesn't run against the government when the government is advancing a public purpose. Once the town or county acquires that property to advance a genuine governmental purpose, that private, restricting covenant has no effect on the government as the owner of the property.

The importance of the public process was discussed. The underlying zoning needs to be done before a development plan can be prepared. The commission spoke regarding how the creation of the Community Housing Zone was not for a specific property. As the housing crisis is very serious, the intent was for an opportunity for landowners to build affordable housing without going through extreme costs and processes to make it easier for a developer to create affordable housing projects.

Addressing the concern that this was a strategy for a back-door way for Mr. Vickers to get water. Kevin Geiger replied that there is a term in the contract that the Town would consider the extension of water to his remaining parcels. But it just says, 'in good faith', which doesn't commit to it. Town Council would have to take the issue up and be passed by Ordinance with the recommendation of the town manager and the planning commission. They could also impose further conditions.

Toby stated his concern with the pace of the application. The commission also requested a site visit prior to the BOCC hearing.

Ian Bald added that it is nice to see a proposal that is not always sticking the workforce in undesirable, shady lots.

MJ also added her thoughts that the rezone will change the Mesa, but we need housing for the people that are here right now. She supports the rezone becoming effective at the closing. Concerns about the wildlife corridors and looking at traffic from the Deep Creek Road access.

Josselin agreed with MJ, adding that we are playing catch up on housing and there is an ethical obligation to house workers. We need to consider who has the right to live here, who gets to live here, and how hard it is to live here.

Lee Taylor questioned the possibility of continuing and what that would do to the grant process. Mike Bordogna, County Manager stated that more than a week's delay would put a monkey wrench in the process and compromises the closing date, causing the deal to fall through. The grant can only be given if the property can be rezoned.

MOTION by Josselin Lifton-Zoline to approve Resolution No. 2022-01 and recommend the Board of County Commissioners approve rezoning a portion of Lots 1-A-R, 2-A, and 3-A, Diamond Ridge, to Community Housing, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;

2 The proposed rezoning is consistent with the Purpose of Land Use Code Section 5-324, Community Housing and the higher density that may be proposed is not incompatible with surrounding land uses, neighborhood characteristics or community character:

3. The Applicant and Representatives have demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; mitigation of geohazards; site access; and mitigation of impacts on the environment, consistent with the purpose and standards of Land Use Section 5-324 Community Housing;

4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies and in particular the policies of Section 2-29, Housing;

5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;

6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in particular Section E, Affordable Housing, in that it will help provide an adequate self-contained supply of affordable and community housing to meet the needs of seasonal employees and permanent residents.

And with the addition to the resolution to request that the application is re-sent to referral agencies asking for review and response prior to the BOCC hearing, that CPW be added as a referral agency, and that a site visit be conducted prior to the BOCC hearing, and with a request that the planning department follow-up with those referral agencies.

SECONDED By MJ Schillaci

AMENDMENT requested by Lee Taylor to further require an opinion letter from the traffic consultant regarding traffic down to the spur and Deep Creek as it was not addressed.

Josselin and MJ accepted the amendment.

AMENDMENT requested by Lee Taylor to add CDOT to the referral agencies.

Josselin and MJ accepted the amendment.

To incorporate those amendments and as finally adopted, the resolution included the following: ***“BE IT FURTHER RESOLVED that the application shall be sent to referral agencies asking for their review and response prior the BOCC hearing; that CPW and CDOT be added as referral agencies; that a traffic letter be provided analyzing impacts on Deep Creek; and that a site visit be conducted prior to or concurrent with the BOCC hearing.”***

Josselin and MJ accepted the amendment **VOTE PASSED 3-2**

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

4:00 p.m. Break
4:10 p.m. Reconvene

LAND USE CODE AMENDMENT:

Amending LUC Section 5-307 Forestry, Agriculture and Open (F) adding Social and Scenic Uses as a use subject to Two-Step Special Use Permit Review/MOTION

Kaye Simonson began the presentation by describing how in the past year, the Planning Department became aware of properties being used for wedding venues in the Forestry, Agriculture, and Open (F) zone. LUC Section 5-307 lists the uses that may be permitted in that zone district, by right; by administrative review; by one-step Planning Commission review; by one-step BOCC review; and by two-step Special Use Permit review. Renting of property for weddings and similar events is considered a commercial activity but there are no listed uses under which it might be allowed in the F zone. The proposed amendment would allow Social and Scenic Uses, which includes weddings and special events, on parcels larger than 35 acres.

4:28 p.m. Open to Public Comment\

Doug Tooley – Comment about noise

Nicole Pietrese – In support. Consider amending LUC Section 5-307 F to add social and scenic uses for over 200 people. Do events under 200 people need commission approval or just an administrative review.

Ashley Story – Commented that the LUC is not clear of the actual process to go through.

DeLanie Young – Asked if there was a replat anticipated for Nicole's clients.

Pam Bennett – Supporting the 35-acre standard size.

4:38 p.m. Closed Public Comment

Kaye Simonson added that there has been a shift over the last several years in how property is being used. Staff is not interested in events for under 200 people being an administrative approval as each application can have lots of variables.

The commission asked if this use is going to increase with more events such as weddings happening.

MOTION by MJ Schallici to recommend to the Board of County Commissioners to adopt the amendment to San Miguel County Land Use Code Section 5-307 D, Uses Allowed Subject to One-step Planning Commission Review and Section 5-307 F, Uses Allowed Subject to Two-Step Special Use Permit Review, to allow "Social and Scenic Uses" in the Forestry, Agricultural and Open (F) zone district, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, as follows:

1. Amend Section 5-307 D to add:

XII. Social and Scenic Uses, such as a location for weddings, meetings, retreats, reunions, video and film photo shoots and commercials, on parcels containing

thirty-five (35) acres or more, and with attendance of two hundred (200) or fewer guests.

2. Amend Section 5-307 F to add:

XV. Social and Scenic Uses, such as a location for weddings, meetings, retreats, reunions, video and film photo shoots and commercials, on parcels containing thirty-five (35) acres or more, and with attendance of more than two hundred (200) guests.

SECONDED by Josselin Lifton-Zoline. 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	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

APPROVAL OF MINUTES

Approval of the March 10, 2022 minutes

MOTION by MJ Schillaci as presented.

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

4:54 p.m. Matt Bayma left the meeting.

PLANNING COMMISSION AND STAFF COMMENTS

- 1.) May meeting will be on May 12 at the Norwood library
- 2.) SUP application in Placerville
- 3.) Norwood area SUP
- 4.) LUC Code Amendment for the mitigation fee

5:00 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

:\PC Planning Commission\PC Minutes\2022\pc.4.21.minutes.docx]

DRAFT



AGENDA ITEM

TITLE:

Approval of the May 12, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.5.12.22.minutes final.docx](#)

Description:

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

May 12, 2022

Norwood Public Library 1455 Pinon St. and Online Meeting

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

Absent: Matthew Bayma, Member

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

County Staff Present: James Van Hooser, Assistant County Manager
Ryan Righetti, Road & Bridge Superintendent
Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office

8:45 a.m. Site Visit: 200 Front St. Placerville
9:30 a.m. Site Visit: CR 44Z S, Norwood

10:30 a.m. Chair called the meeting to order.
10:32 a.m. Break - Technical Difficulties
10:41 a.m. Reconvene

PUBLIC HEARING: LAND USE APPLICATION

Applicant: TFS Ventures LLC (Roby Peabody)
Location: 200 Front Street, Placerville (readdressing to 150 Grigg Ave)
Parcel Size: .17 acres
Zone District: Placerville Commercial
Proposal: Special Use Permit for a Forestry Trade Business.

Those who addressed the commission:
Roby Peabody- Applicant

Roby Peabody, owner of Telluride Forestry Solutions (TFS) has submitted an application requesting approval of a Special Use Permit for a Trade Business, specifically a Forestry Business. Mr. Peabody purchased the property to run his business out of the structure on the north of the parcel and house employees in the existing residential structure. The adjoining lot,

210 Front Street, was also purchased to house additional employees for TFS. The property was previously addressed to Front Street, but the address is being changed to Grigg Avenue to match the access location. A property can only have one access point and must be addressed to that location.

The business is a full-service forestry health and tree removal company. TFS proposes to use the parcel, mainly the existing structure on the northern portion of the lot, as a shop to store and repair the company's equipment. A new driveway off Grigg Avenue is being proposed to park the company's trucks, chippers, track loaders, and trailers. The existing residence on the parcel is being proposed to house employees for TFS. A new OWTS, to serve both 150 Grigg Avenue and 210 Front Street is being installed. An easement and agreement for the shared OWTS will be needed.

There will be no water and sewer service to the structure on the northern portion of the lot. It is a nonconforming structure, located partially in the right-of-way, and while it can be maintained, it cannot be improved. Therefore, employees will use bathroom facilities in the house.

Mr. Peabody expressed his desire to increase the bed base in the community and provide housing for his employees but noted that if there are rooms available and no employees are interested, rooms may be rented to non-employees.

The commission then discussed the word employees vs. tenants and asked if the access to the house facilities ceases, can the TFS use cease. If the owner ceases to rent the house to employees, the Trade Shop use must cease unless/until the owner finds an established acceptable alternative solution. Port-a potties are a temporary solution and are not acceptable as a long-term solution.

It was asked about the driveway design, which will be graded to reestablish drainage and finished with gravel. Ryan Righetti added that the driveway is to mitigate traffic from Front Street. Ian Bald raised concern about not being able to see around vehicles that are parked there. It was agreed to add to the motion that there will be no TFS parking on Front Street.

Public Notice was published and notice was also mailed to all property owners within 500 feet of the property on April 15, 2022.

Notice was sent to referral agencies. Amy Markwell, County Attorney commented that it should require a Revocable Encroachment Agreement regarding the "workshop" that is in the County ROW. Ryan Righetti, SMC Road & Bridge Director stated that a new driveway will be allowed off Grigg Avenue and the Revocable Encroachment Agreement will need to be approved and recorded prior to approval of the One-Step Land Use Application. Matt Gonzales, SMC Building Official said they should be contacted prior to any construction/remodel/improvement activities.

The one public comment received from neighbor Samantha Samuelson was in support.

11:04 a.m. Open for Public Comment

No comments

11:05 a.m. Closed to Public Comment

MOTION by Tobin Brown to approve the Telluride Forestry Solutions Special Use permit for a Trade Business, based on the finding that the uses as proposed in the application are consistent with and comply with the review standards in Land Use Code 5-311 D., Uses Allowed Subject to a One-Step Planning Commission; Section 5-10, Special Uses; and the County Master Plan, with the following conditions, ***including an amendment to #1 and the addition of #9:***

- 1) As long as TFS owns the house and rents it to their employees/tenants, those employees/tenants shall be advised in the leases of the bathroom usage. If TFS access to the house ceases, the business shall cease until adequate bathroom facilities are provided.
- 2) An easement, approved by the Planning Department, shall be recorded with the Clerk and Recorder prior to the CPC resolution being recorded for a shared onsite wastewater treatment system (OWTS) that will be serving 201 Front Street and 200 Front Street (future 150 Grigg Avenue).
- 3) A Road and Bridge Driveway permit for access off a County road (Grigg Ave.) shall be obtained and all conditions shall be met prior to Land Use Application approval. Gravel or other all-weather dust-free surface shall be used in the parking area/driveway.
- 4) There shall be no vehicle or equipment repairs outside the building on nights or weekends.
- 5) Submit a plan for the containment and elimination of hazardous materials and liquids.
- 6) The Applicant shall enter into a Revocable Encroachment Agreement with the County and record with the Clerk and Recorder prior to the CPC Resolution recorded for the structure in the Second Street right-of-way. The Applicant shall provide a Certificate of Insurance stating the County as named insured annually. Should the County require removal of the structure from the right-of-way, this SUP shall be void and all commercial activity shall cease.
- 7) This SUP is issued to Telluride Forestry Solutions and does not run with the land.
- 8) All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.

9) *No TFS vehicles shall park on Front Street.*

SECONDED By Josselin Lifton-Zoline. **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	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

Scott Shur, owner of the property to the north asked to comment.

Lee Taylor reopened the public comment. Mr. Shur asks for clarity regarding the parking on Front Street. Ryan Righetti replied that the congestion is an issue in the commercial area on Front Street and the proposal is to mitigate that congestion. The new legal access to the property has been moved to Grigg Street as part of that mitigation.

11:12 a.m. Reclosed Public Comment

PUBLIC HEARING: LAND USE APPLICATION

Applicant: Carolyn and William Fox
Location: 7725 County Road 44Z S, Norwood
Parcel size: 496 acres
Zone District: Forestry, Agriculture, Open (F)
Proposal: Special Use Permit to construct a 12,000 square feet cover (Accessory Structure) over the existing equine riding arena. MOTION

Those who addressed the commission:

Carol & William Fox via video

Troy Hangen, Senior Planner, presented the application submitted by William and Carolyn Fox for a Special Use Permit for an Accessory Structure with a footprint greater than 3,000 sf. The proposed structure will be over a portion of their existing horse arena. The 12,000 square foot (80' x 150') arena roof will cover a portion of an existing outdoor horse arena. The roof will provide a shade in the summer and shelter from the snow in the winter. It is to be made of a white flexible material and the structure itself will be engineered to meet all required Building Code specifications. Openings on all sides will allow air circulation to flow throughout the structure. There will be no lighting, water, or sewer service to the structure as it will only be used during daylight hours.

Notice of the Public Hearing was published

-0-9- and posted and notice was mailed to all property owners within 500 feet of the property. Referral agencies were also noticed. Starr Jamison, San Miguel County Natural Resources and Special Projects Director requested that construction not commence before July 1 since the project will occur within Gunnison sage-grouse mapped occupied habitat.

There were no questions from the commission.

11:21 a.m. Open to Public Comment

No comments.

11:22 a.m. Closed to Public Comment

MOTION by Josselin Lifton-Zoline to approve the Fox Special Use Permit for an Accessory Structure with a footprint greater than 3,000 square feet and adopt Resolution #2022-03, based on the findings that the use as proposed is consistent with Land Use Code 5-307 D, Uses

Allowed Subject to One-Step Planning Commission, Special Use Review; 5-10, Special Uses; and the County Master Plan, with the following conditions:

1. Construction shall not commence prior to July 1 in order to protect the Gunnison sage-grouse mapped production area and occupied habitat.
2. All written representation of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.

SECONDED by Tobin Brown. **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	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

11:24 a.m. Break

11:29 a.m. Reconvene

LAND USE CODE AMENDMENT REVIEW AND RECOMMENDATION

Amending LUC Section 5-13, Accessory Dwelling Units and Affordable Housing pertaining to monetary Impact Fees paid for Residential Development and to Mitigation requirements to construct employee housing unit(s) for Residential Development. MOTION

John Huebner, Senior Planner, presented a review of the LUC Amendment regarding residential impact fees. He reiterated the history of the impact fees, along with the proposed fee structure. Based on the new analysis, a new fee structure would be created that is intended to promote capital projects that will further Community Housing goals and policies to assist in the construction of workforce housing. Some of the recommended updates include an increase to a 90% mitigation fee for dwellings 4,001 s.f. and greater, to use a minimum of 400 square feet per employee, and exempt mitigation on residences from 1 to 1,799 s.f. Finally, the mitigation rate for dwellings between 1,800 to 4,000 s.f. would be graduated. There would be a credit applied toward the impact fee if an Employee Housing Unit would be constructed. The impact fee only applies to the R-1 School District and the units have to be built in the R-1 District.

One of the big changes would be that future built Accessory Dwelling Units will be subject to Deed Restriction. In regards to Caretaker Units, the impact fee will apply unless they are subject to the Deed Restriction. The main purpose is to build Deed Restricted units that will have occupancy.

Another big change is the 5-1303G XV Table with the current 37% mitigation rate increasing and based on a graduated level according to square feet built. The rate will increase up to 90% as the square footage reaches over 8,000 square feet.

The calculation would be put in an Appendix to allow for easier updates. If the rate changed in the future, the threshold square footage could change.

If a Deed Restricted Unit were added to a property, the fee would be waived for the mitigation equal to the size of the unit. Additionally, for multi-family units, there would be no fee, and units would need to be built on-site.

There were also some modifications to the definitions. In addition, Appendix B would be where the calculations are to be housed and each year sales would be updated, analyzed and then the fees updated accordingly.

Notice was published and sent as required. There were no public comments received.

The commission asked if any of the fees apply to existing structures. They are not. It was asked when would the Amendment would become effective. Kaye Simonson, Planning Director said that once the BOCC approves there will be some outreach, such as a display ad in the newspaper with an approximately 30-day timeframe to implement the policy.

It was also asked about the Town of Telluride policies. James Van Hooser, Assistant County Manager confirmed that TOT did adopt a 90% mitigation rate with no breaks. John Huebner added that the Town of Mountain Village is contemplating a 60% residential rate, to be adopted over four years at 25% increments.

The commission asked if the required mitigated building could be done off off-site if there is a site available, but there is limited land available. It was discussed that this restriction does change how people are allowed to use their property. A property owner would never be allowed to build an ADU unit unless it was Deed Restricted. It was also clarified that each improvement is assessed separately on its square footage, not combining the square footage of all the improvements on a property. Also, renovations do not trigger impact fees if there is no increase in square footage. James Van Hooser added that the Town of Telluride's definition of demolition is if 40% of exterior walls are removed, that triggers a 'new construction' designation with new fees being imposed. The commission debated the degree that would trigger new construction on a remodel.

1:09 p.m. Break

1:31 p.m. Reconvene

The commission discussed various scenarios. Staff noted that there are three scenarios to be considered: payment of the mitigation fee only; payment of the mitigation fee with an option to mitigate through the provision of a deed-restricted ADU or caretaker unit in lieu of some or all of the fee; or requiring mitigation with payment of fees if the mitigation square footage requirement exceeds that of the unit being provided.

2:18 p.m. Open to Public Comment

No Comments

2:19 p.m. Closed Public Comment

MOTION by M.J. Schillaci to move to recommend to the Board of County Commissioners to adopt the *San Miguel County Affordable Housing Methodology* report and the amendment to the San Miguel County Land Use Code Section 5-13, Accessory Dwelling Units and Affordable Housing, with associated amendments to LUC Articles 5 Standard and 6 Definitions, based on the finding that the proposed amendments comply with the standard of Land Use Code Section 5-1802, Land Use Code Amendments, is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and implements the Land Use Code Policies for Housing as contained in Section 2-19 and with the following direction:

Consider amending the proposed LUC amendment to allow construction of an ADU or Caretaker Unit without deed restriction when the total floor area of the principal dwelling plus the ADU/Caretaker unit is less than 4,000 s.f. and when the floor area of the ADU Caretaker unit is less than 50% of the floor area for the principal dwelling. The Affordable Housing mitigation fee shall be paid for the total floor area of both dwellings.

SECONDED by Josslin Lifton-Zoline. **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	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

APPROVAL OF MINUTES

Deferred until next meeting

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson updated the commission on current and upcoming projects and issues.

2:25 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

"\\tridefs\planning\Planning Commission\PC Minutes\2022\pc.5.12.22.minutes.docx"

DRAFT



AGENDA ITEM

TITLE:

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.

MOTION

Presented by:

Time needed:

PREPARED BY:

Kaye Simonson, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Essential Personnel LUC Amendment 060922.pdf](#)

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Amendment to the San Miguel County Land Use Code Section 5-313 Park (P) and 5-315 Public (PUB) to Allow Housing for First Responders and Essential Personnel

Date: June 9, 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 Kaye Simonson, Planning Director, dated June 9, 2022

AGENCY COMMENTS

4. Agency Referral memo dated May 9, 2022
5. Email from Janet Kask, Parks and Open Space Director dated May 31, 2022

PUBLIC COMMENT

None

OTHER

None

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: Amendment to the San Miguel County Land Use Code Section 5-313 Park (P) and 5-315 Public (PUB) to Allow Housing for First Responders and Essential Personnel
DATE: June 9, 2022
[Z:\Applications\2022_Essential Personnel Housing_LUC Amendment]

Background

Pursuant to LUC Section 5-1802, Amendments to the Land Use Code may be initiated by the County (staff, CPC or BOCC), or by persons who are residents of or own property in San Miguel County. 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 use 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 Public zone district already allows housing for employees “employed on-site,” subject to One-step Planning Commission review. This amendment is intended to expand that to include essential personnel and first responders, and to add the same uses to the Park zone district.

Proposed Amendment

The following are proposed Land Use Code amendments 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. Proposed new text is underlined. There are no deletions.

Section 5-313 Park (P) would be amended as follows:

5-313 C. Uses Allowed Subject to One-step Planning Commission Approval

X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel.

Section 5-315 Public (PUB) would be amended as follows:

5-315 B Uses Allowed Subject to One-step Planning Commission Approval

- X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel.

Article 6 Definitions would be amended to add the following:

Essential Personnel

Employees who must be available to respond to a workplace (within a specific amount of time) in order to continue critical infrastructure operations or services.

First Responder

A person with specialized training who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance; an emergency response provider.

Public Noticing

The meeting agenda has been published in the Telluride Daily Planet and Norwood Post on June 3, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the County Attorney; County Manager; County Road and Bridge Director; County Government Affairs and Natural Resources Director; County Parks and Open Space Director; County Sheriff; County Building Official; County Site Inspector; Telluride Fire Protection District; Telluride R-1 School District; Telluride Hospital District; Town of Telluride; Town of Mountain Village; Town of Norwood; Town of Ophir; and Town of Sawpit.

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 take all technical and operational concerns into consideration and would be developed only with significant input from relevant departments and agencies.

Public Comments

No public comments have been received.

Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "Land Use Code Amendments 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 following standard." This amendment was initiated by the County Planning Director.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments

shall be drafted in a form consistent with the organizational format and style of the code.” The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

1-402 Implement Policies

To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process

To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare

To protect the health, safety and public welfare of San Miguel County.

Sample Motion:

I move 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, Purposes of the Land Use Code.

MEMORANDUM

TO: Mike Bordogna, County Administrator
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Starr Jamison, County Government Affairs and Natural Resources
Janet Kask, County Parks and Open Space
Bill Masters, County Sheriff
Matt Gonzales, County Building Official
Lisa Garrett, County Site Inspector
John Bennett, Telluride Fire Protection District
John Pandolfo, Telluride R-1 School District
Richard Betts, Telluride Hospital District
Scott Robson, Town of Telluride
Paul Wisor, Town of Mountain Village
John Wontrobski, Town of Ophir
Mike Kimball, Town of Sawpit
Patti Grafmeyer, Town of Norwood

FROM: Kaye Simonson, Planning Director

RE: Land Use Code Amendment: Essential Personnel and First Responder
Housing in the Public (PUB) and Park (P) zone districts

DATE: May 9, 2022

The above-referenced application is attached for your review and comment. The County Planning Commission meeting date is Thursday, June 9, 2022. Please provide your review comments by Tuesday, May 31, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

The following are proposed Land Use Code amendments 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” comes from Merriam Webster. Proposed new text is underlined. There are no deletions.

Proposed LUC Amendments:

SECTION 5-3 ZONE DISTRICT STANDARDS

5-313 Park (P)

5-313 C. Uses Allowed Subject to One-step Planning Commission Approval

X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel.

5-315 Public (PUB)

5-315 B Uses Allowed Subject to One-step Planning Commission Approval

X. Accessory Affordable Housing for employees employed on-site or for First Responders or Essential Personnel.

ARTICLE 6 DEFINITIONS

Essential Personnel

Employees who must be available to respond to a workplace (within a specific amount of time) in order to continue critical infrastructure operations or services.

First Responder

A person with specialized training who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance; an emergency response provider.



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Fwd: Review Agency Referral - LUC Amendment , Housing for Essential Personnel and First Responders

1 message

Janet Kask <janetk@sanmiguelcountyco.gov>

Tue, May 31, 2022 at 4:47 PM

To: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Hi Kaye,

Thanks for your email and opportunity to comment on this proposed housing initiative.

As discussed, the County doesn't currently allow overnight usage of any County parks and/or facilities and here we're talking possible housing scenarios.

I understand any considered potential housing would be earmarked for either emergency and/or essential personnel and/or County departmental employees.

I also understand any potential dwellings would be limited to 1-2 people - either single and/or a couple - no families and no multiple bedrooms (pets?).

The POS department currently manages and maintains 2 parks (Down Valley Park and the Placerville Park) with a 3rd (Mill Creek Park) coming on line in 2022/2023. We also manage and maintain the Miramonte building, the Court House, the Fruen building along with the County Fairgrounds in Norwood and numerous trails and historic structures.

Yes, these are all public facilities and adding housing to the mix could prove challenging, but I feel it can also be done with the incorporation of set rules and parameters.

Below are comments from pertinent POS staff. I requested staff focus on the parks and Fairgrounds and didn't include any of the trails and/or historic structures for consideration.

Whereas some comments are supportive, there are some general concerns regarding infrastructure upgrades to support this potential housing initiative along with the mixture of private and public use peacefully coexisting simultaneously and not detracting from our ability to still provide facilities for public usage.

From Rich Hamilton, Parks Supervisor -

I'm in support of this concept and would like to provide you with my feedback.

Down Valley Park -

- *Potential to improve the current park shop with an addition of an accessory dwelling on the second level. (Me/JK - I used this as an example to set the tone going forward for potential options). Rich agrees it can be done.*
- *Not much room to expand horizontally, but a covered stairway with a small deck could be considered.*
- *There is currently power, internet and phone service provided at our County park shop.*
- *Water is only currently available via a frost-free hydrant outside the building. There is no hot water.*
- *There is no septic. We would have to tie into our existing water system at the park bathrooms and also tie into our septic system behind the bathrooms. Our septic system may or may not be adequately designed to meet the needs of an accessory dwelling? That would be up to an engineer to determine. (JK - Modifications to both our existing water and septic systems would also be expensive).*
- *Access to the County park shop during construction would be a very big inconvenience and we'd need to figure out alternatives for operations during this time period.*
- *There is also available land (possibly) to develop a new dwelling unit west of the Placerville Firehouse along Front Street, which is County-owned property.*

Whereas DeeAnna Burbridge, Fairgrounds Coordinator, isn't entirely supportive of this concept, I feel the Fairgrounds, at 19 acres, most likely provides the most opportunity. And yes, even though we have 19 acres, there are times during the summer (i.e., the Annual Fair, Rodeo and Baseball Festival) when the entire parcel is being utilized for the actual events and/or parking/overflow parking.

From DeeAnna Burbridge, Fairgrounds Coordinator -

Here are my thoughts. Understanding the issue to be to provide residential housing (as described) in public areas/parks.

- *A renter has the right to expect privacy and enjoyment of their living space: this would be inherently impossible in a public space.*
- *Fairgrounds Users (Event Holders and users at large) have the right to expect the public space usable for their purposes.*

DeeAnna - To expect the two uses to co-exist is completely unreasonable and basically impossible.

Again, we'd need to strike a balance for the mixture of private and public use peacefully coexisting simultaneously and not detracting from the County's ability to still adequately provide our parks and Fairgrounds facilities for public usage.

Thanks for providing me/us the opportunity to comment on this issue and please let me know if you have any questions. Thanks.

Janet

On Mon, May 9, 2022 at 11:40 AM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

Please see the attached draft Land Use Code Amendment to allow accessory housing in the Public (PUB) and Parks (P) zone districts for first responders and essential personnel. Please provide comments by Tuesday, May 31. This will be scheduled for consideration by the Planning Commission on June 9. Let me know if you have any questions. Thank you.

--

For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov



--

Janet Kask, Director
Parks & Open Space, San Miguel County
P.O. Box 1170, Telluride, CO 81435
Phone: (970)369-5469
janetk@sanmiguelcountyco.gov



--

Janet Kask, Director
Parks & Open Space, San Miguel County
P.O. Box 1170, Telluride, CO 81435
Phone: (970)369-5469

janetk@sanmiguelcountyco.gov





AGENDA ITEM

TITLE:

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). MOTION

Presented by:

Time needed:

PREPARED BY:

Kaye Simonson, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet 5-2 Zoning District LUC Amendment 060922.pdf](#)

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Amendment to the San Miguel County Land Use Code Section 5-2 Establishment of Zone Districts and Official Zoning Map

Date: June 9, 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 Kaye Simonson, Planning Director, dated June 9, 2022

AGENCY COMMENTS

4. Agency Referral email dated May 17, 2022
5. Email from Mike Bordogna, County Manager, dated May 18, 2022

PUBLIC COMMENT

None

OTHER

None

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: Amendment to the San Miguel County Land Use Code Section 5-2
Establishment of Zone Districts and Official Zoning Map
DATE: June 9, 2022
[Z:\Applications\2022_5-202 Zoning Districts_LUC Amendment]

Background

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. This amendment is intended to correct that error.

Proposed Amendment

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 Noticing

The meeting agenda has been published in the Telluride Daily Planet and Norwood Post on June 3, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the County Attorney; County Manager; Town of Telluride; Town of Mountain Village; Town of Norwood; Town of Ophir; and Town of Sawpit.

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

Public Comments

No public comments have been received.

Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "Land Use Code Amendments 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 following standard." This amendment was initiated by the County Planning Director to correct omissions in prior Land Use Code amendments.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments

shall be drafted in a form consistent with the organizational format and style of the code.” The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

1-402 Implement Policies

To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.

1-403 Create Common System of Administration and Regulation

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-404 Simplify the Land Use Regulatory Process

To simplify the application and review process for such regulatory system.

1-405 Protect Health, Safety and Welfare

To protect the health, safety and public welfare of San Miguel County.

Sample Motion:

I move 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.



Kaye Simonson <kayes@sanmiguelcountyco.gov>

LUC Amendment - Section 5-202 Establishment of Zone Districts

1 message

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Tue, May 17, 2022 at 7:33 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, James Van Hooser <jamesv@sanmiguelcountyco.gov>, Ron Quarles <rquarles@telluride-co.gov>, Michelle Haynes <MHaynes@mtnvillage.org>, John Wontrobski <manager@ophir.us>, Paul Wisor <pwisor@mtnvillage.org>, srobson@telluride-co.gov, Mike Kimball <michaelnjoyce@msn.com>, Corinne Platt <mayor@ophir.us>, Patti Grafmyer <grafmyer@norwoodtown.com>

Please find attached a draft amendment to Land Use Code Section 5-202 Establishment of Zone Districts and Official Zoning Map. The proposed amendment adds Sections 5-323, Mixed Use District (MXD) and 5-324 Community Housing (CH) to the list of zone districts. This corrects omissions that occurred at the time of adoption of those zone districts. This is scheduled for consideration by the Planning Commission on Thursday, June 9. We will accept comments until Tuesday, June 7 (a 21-day review period) but would appreciate receiving comments earlier, by June 2, to meet our packet deadline. Thanks. Let me know if you have any questions.

--
For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov



 **LUC Amendment Establishment of Zone Districts 051722.pdf**
84K



Kaye Simonson <kayes@sanmiguelcountyco.gov>

RE: LUC Amendment - Section 5-202 Establishment of Zone Districts

1 message

Mike Bordogna <mikeb@sanmiguelcountyco.gov>
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Wed, May 18, 2022 at 8:03 AM

No comments from me, looks good thank you

From: Kaye Simonson [mailto:kayes@sanmiguelcountyco.gov]**Sent:** Tuesday, May 17, 2022 7:34 PM**To:** Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; James Van Hooser <jamesv@sanmiguelcountyco.gov>; Ron Quarles <rquarles@telluride-co.gov>; Michelle Haynes <MHaynes@mtnvillage.org>; John Wontrobski <manager@ophir.us>; Paul Wisor <pwisor@mtnvillage.org>; srobson@telluride-co.gov; Mike Kimball <michaelnjoyce@msn.com>; Corinne Platt <mayor@ophir.us>; Patti Grafmyer <grafmyer@norwoodtown.com>**Subject:** LUC Amendment - Section 5-202 Establishment of Zone Districts

Please find attached a draft amendment to Land Use Code Section 5-202 Establishment of Zone Districts and Official Zoning Map. The proposed amendment adds Sections 5-323, Mixed Use District (MXD) and 5-324 Community Housing (CH) to the list of zone districts. This corrects omissions that occurred at the time of adoption of those zone districts. This is scheduled for consideration by the Planning Commission on Thursday, June 9. We will accept comments until Tuesday, June 7 (a 21-day review period) but would appreciate receiving comments earlier, by June 2, to meet our packet deadline. Thanks. Let me know if you have any questions.

--

For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>

Kaye Simonson, AICP

Planning Director

San Miguel County Planning Department

Office: (970)369-5436

Cell: (970)729-9929

www.sanmiguelcountyco.gov



AGENDA ITEM

TITLE:

Discussion regarding Master Plan updates and LUC Amendments

Presented by:

Time needed:

PREPARED BY:

Kaye Simonson, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description: