



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, MAY 12, 2022 – 9:00 AM

Lone Cone Library, 1455 Pinion St, Norwood and Online

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)

8:45 AM Site Visit: SUP Trade Business, 200 Front Street, Placerville

9:30 AM Site Visit: SUP Accessory Structure >3,000 sf, 7725 CR 44Z S, Norwood

- 1. 10:30 A.M. CALL TO ORDER**
- 2. PUBLIC HEARING: LAND USE APPLICATION**

Applicant: TFS Ventures LLC (Roby Peabody)

Location: 200 Front Street, Placerville (readdressing to 150 Grigg Ave)

Zone District: Placerville Commercial

Proposal: Special Use Permit for a Forestry Trade Business. MOTION

[TFS COMBINED Packet 5-12-2022.pdf](#)

- 3. 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 existing equine riding arena. MOTION

[COMBINED Fox Packet 5-12-2022.pdf](#)

- 4. 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

[CPC Packet Materials LUC Amendment Affordable Housing Impact Fees 5.12.22.pdf](#)

5. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

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

6. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

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



AGENDA ITEM

TITLE:

Applicant: TFS Ventures LLC (Roby Peabody)

Location: 200 Front Street, Placerville (readdressing to 150 Grigg Ave)

Zone District: Placerville Commercial

Proposal: Special Use Permit for a Forestry Trade Business. MOTION

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[TFS COMBINED Packet 5-12-2022.pdf](#)

Description:

Public Meeting Record

County Planning Commission

Application: Telluride Forestry Solutions

Special Use Permit: Trade Business, In Placerville Commercial Zone District

Date: March 12, 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 Troy Hangen, Senior Planner dated May 12, 2022.
4. Draft Resolution of the County Planning Commission, San Miguel County, Colorado, Resolution 2022-002, Approving a Trade Business Special Use Permit For Telluride Forestry Solutions In Placerville Commercial District.
5. Application submitted by Telluride Forestry Solutions dated April 6, 2022.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated April 15, 2022.

AGENCY COMMENTS

7. Email to Review Agencies from Troy Hangen, Senior Planner dated April 11, 2022.
8. Email from Amy Markwell, County Attorney to Troy Hangen, Senior Planner, received April 14, 2022.
9. Email from Matt Gonzales, Building Official to Troy Hangen, Senior Planner received April 23, 2022.
10. Email from Ryan Righetti, SMC Road and Bridge Director, to Troy Hangen, Senior Planner received May 2, 2022.

PUBLIC COMMENTS

11. Email from Samantha Samuelson to SMC Planning received April 18, 2022.

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Troy Hangen, Senior Planner
RE: Telluride Forestry Solutions One-Step Special Use Permit for a Trade Business in the Placerville Commercial (PC) Zone District
DATE: May 12, 2022

SUMMARY OF REQUEST

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. The proposed business will be at 150 Grigg Avenue, a 0.17-acre parcel, #452334404007. It is located in Placerville between Front Street and Second Street and is zoned Placerville Commercial (PC).

BACKGROUND

The parcel was purchased by TFS Ventures LLC, the owner of Telluride Forestry Solutions, in February of 2022. Roby Peabody, owner of TFS Ventures LLC and Telluride Forestry Solutions, purchased the property to run his business, TFS, out of the structure on the north of the parcel and house employees in the existing residential structure. Roby, along with TFS Ventures LLC, also purchased the adjoining lot, 210 Front Street, parcel #452334404006, to house additional employees for TFS. The property was previously addressed to Front Street, but the address is being changed to Grigg Avenue. Property can only have one access point and must be addressed to that location.

The structure in the rear of the parcel was built in the early 1950's and was the Placerville mine's maintenance and fabrication shop. The use of the structure after the mine closed is uncertain. The structure encroaches into the Second Street right-of-way.

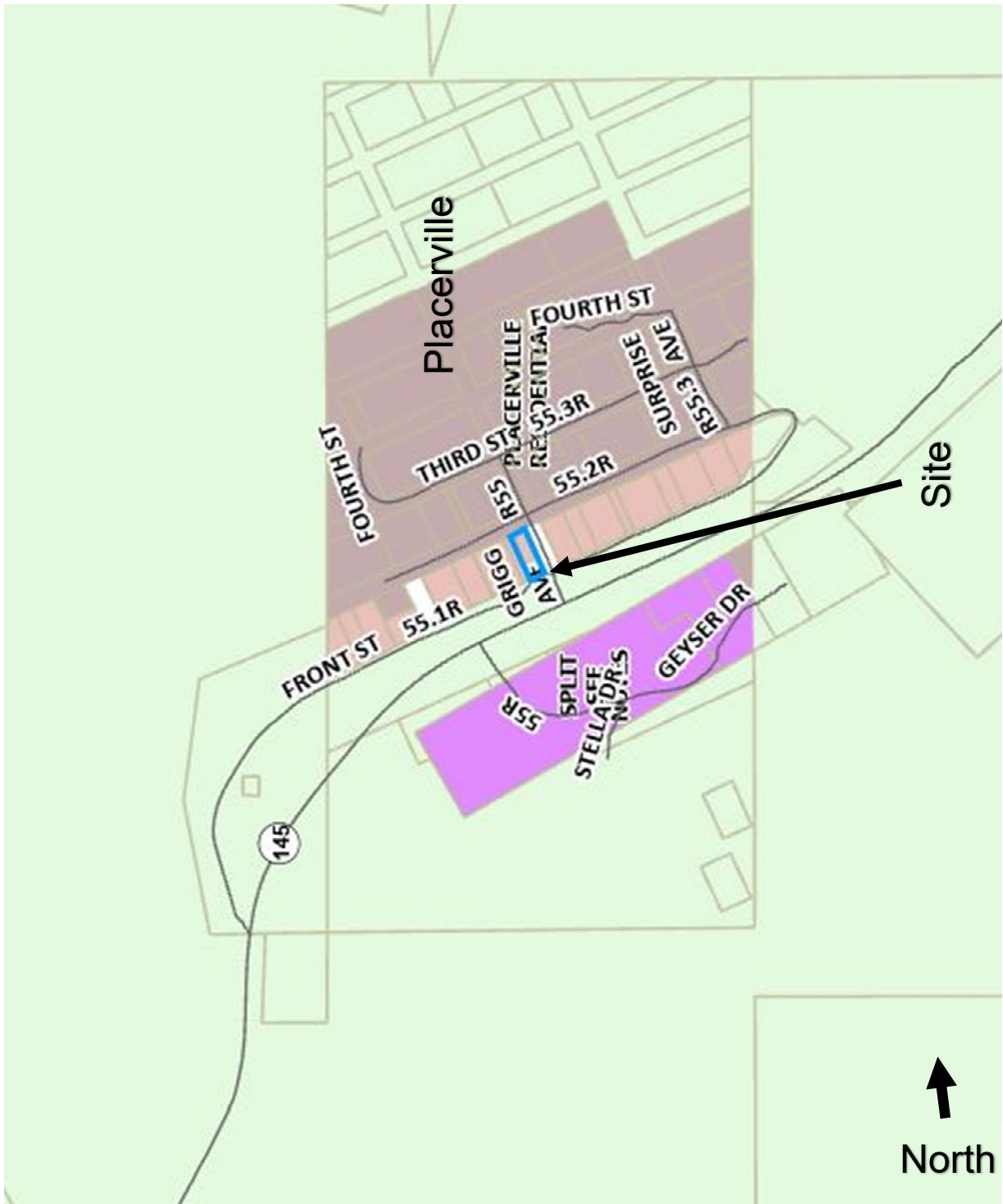
PROPOSAL

Telluride Forestry Solutions is a full service forest 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. Residential uses are permitted in the PC Zone District. A Trade Business is a use allowed in the Placerville Commercial (PC) Zone District subject to a One-Step Planning Commission Special Use Permit Review pursuant to SMC Land Use Code Section 5-311 D. III. 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.

VICINITY MAP



SITE MAP



Proposed
Structure
for Trade
Business

Site



SITE MAP



PUBLIC NOTICES

Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, April 27, 2022. Public Notice and the required posting was also completed by Roby Peabody on April 15, 2022. Notice was mailed to all property owners within 500 feet of the property on April 15, 2022.

REFERRALS

Notified Referral Agencies:

San Miguel County Manager
San Miguel County Attorney - responded
San Miguel County Road and Bridge Department - responded
San Miguel County Site Inspector
San Miguel County Building Official - responded

Amy Markwell, San Miguel County Attorney – “should require a Revocable Encroachment Agreement regarding the "workshop" that is in the County ROW”

Matt Gonzales, SMC Building Official – the SMC Building Department should be contacted prior to any construction/remodel/improvement activities

Ryan Righetti, SMC Road & Bridge Director – a new driveway will be allowed off Grigg Avenue and a Revocable Encroachment Agreement will need to be approved and recorded prior to approval of the One Step Land Use Application

Public Comments: As of the writing of this report, one public comment has been received.

Samantha Samuelson – in support

REVIEW STANDARDS

The Planning Commission shall evaluate the Special Use Permit application using LUC Section 5-10: Special Uses

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain

special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

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

The Uses to be reviewed shall be:

- I. Consistent with the County Master Plan;

SECTION 2. SAN MIGUEL CANYON AREA

2.2 Commercial

Goal To facilitate location of commercial facilities, including trades, crafts and fabrications, in appropriate areas primarily to serve local and regional residents, while limiting traffic, environmental and visual impacts and maintaining rural quality of life.

Objectives:

1. Encourage clustering of commercial uses in developed areas where adequate parking facilities and safe access can be provided.
The proposed Trade Business is near other businesses in Placerville. The applicant is proposing a new driveway to park his work vehicles which increases parking on Front Street in Placerville.
- II. Consistent with County Land Use Policies in Article 2;
2-6 - Compatibility with existing adjacent neighborhoods – The proposal is within the Placerville Commercial Zone District which encompasses both residential and commercial uses.
2-10 – Drainage - A proposed new driveway will come off Grigg Avenue and the Applicant is working with Road and Bridge to address the potential new drainage that goes along with construction.
2-29 – Housing - Although specifically not related to the SUP request, the Applicant is proposing to house TFS workers in the residence on 150 Grigg Avenue and 210 Front Street which helps the overall need for employee housing in San Miguel County.

- III. Consistent with the purpose of the Zone District in which it is proposed to be located;
A Trade Business is consistent with the Placerville Commercial Zone District
- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complementary Uses and activities in the Neighborhood of the Parcel proposed for Development;
The proposal is consistent with the character of the neighborhood because it will have both residential and commercial uses which is surrounding the parcel presently. No buildings are being added to the site.
- V. Necessary for public convenience at the proposed location; and
There is no public convenience at this location because the public will not be visiting this site. It is for internal use only.
- VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
The proposed use of the structure will be for the TFS employees only. The business will be inside the structure so the public health, safety, and welfare is protected.

5-1002 B. Impacts on Surrounding Area

Compatibility with the character of parcels adjacent to the parcel shall be expressed in terms of appearance, scale and features, site design, landscaping, as well as, the control and minimization of adverse Impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

The business is proposing to be inside of the structure fixing and repairing machinery when needed and storing machines and trucks in the driveway. There should be little sound and fumes – only when working on machinery. The structure will mainly be used as storage.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable se including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

This can be served by water and sewer, but since it is in the right-of-way and is a nonconforming structure, it will not be allowed. The Applicant is

working with Road and Bridge with regards to the driveway and drainage system.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

The owner will be required to include the County as a named insured because of the building's encroachment into the right-of-way.

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

- I. A Site plan including:
 - a. Ownership, Use and zoning of all adjacent Parcels;
 - b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
 - c. Easements;
 - d. Location and dimensions of Structures and Signs;
 - e. Typical elevations/Heights of such Buildings;
 - f. Landscaping;
 - g. Topography; and
 - h. Specific areas proposed for specific types of land Use/the identification of specific land Uses;
 - i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;
- II. Lighting plan;
- III. Signs – all Signs must meet Section 5-704 standards;
- IV. Water/sewer plan – must meet state standards and may include verification of a commercial well permit;
- V. Drainage plan;
- VI. Grading plan;
- VII. Dust control plan;
- VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;
- IX. Weed control plan that must include use of weed free hay or straw;
- X. Fencing Plan; and
- XI. Additional permits as necessary from other agencies.

The application will be using an existing structure for the purpose of the new Trade Business. The only new construction being proposed is a new driveway which requires permits from Road and Bridge and the Planning Department. The surface for the proposed new driveway will be gravel which reduces the possibility for dust. There will be

2, at maximum, workers on site. The work will only be performed inside the structure. Work is proposed as only weekday.

Recommendation

"I Move to Approve the Telluride Forestry Solutions Special Use Permit to allow a Trade Business, and adopt Resolution #2022-02, based on the findings that the use as proposed is consistent with Land Use Code 5-311 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. Only so long as TFS owns the house, rents it to their employees and tenants are advised in the leases of the bathroom usage. If owner ceases to rent the house to employees, the Trade Shop use must cease unless/until owner finds and establishes acceptable alternatives.
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 a 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.

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A SPECIAL USE PERMIT FOR TELLURIDE FORESTRY SOLUTIONS
FOR A TRADE BUSINESS IN THE PLACERVILLE COMMERCIAL ZONE DISTRICT**

Resolution 2022-02

WHEREAS, Roby Peabody, (Applicant and Owner), submitted an application on April 6, 2022 seeking a Special Use Permit for a Trade Business, more specifically a Forestry Business on a 0.17 acre parcel, #452334404007 in the (PC) Placerville Commercial Zone District, located in Placerville (at 150 Grigg Avenue), and more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, the application for a Trade Business was referred to the County Manager, County Attorney, San Miguel County Building Official, San Miguel County Site Inspector, and San Miguel County Road and Bridge for review and comment; and

WHEREAS, as required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, April 27, 2022; and

WHEREAS, as required by C.R.S. § 24-65.5-103(1), a Public Notice was mailed to all property owners within 500 feet of the proposed special uses, and the required posting was completed by owner on April 15, 2022; and

WHEREAS, the Planning Commission conducted a site visit and considered this application, along with relevant evidence and testimony, at a public hearing in Norwood on Thursday, May 12, 2022.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission of San Miguel County, Colorado, approves 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:

1. Only so long as TFS owns the house, rents it to their employees and tenants are advised in the leases of the bathroom usage. If owner ceases to rent the house to employees, the Trade Shop use must cease unless/until owner finds and establishes acceptable alternatives.
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 a 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.

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

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on May 12, 2022.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____
Lee Taylor, Chair

Vote:	Lee Taylor	Aye	Nay	Abstain	Absent
	Pamela Hall	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent

ATTEST:

By: _____

M.J. Schillaci, Secretary

EXHIBIT A: Legal Descriptions

EXHIBIT B: Public Meeting Record list

EXHIBIT C: Site plan

[Z:\Applications\2022_Forestry 1 Step 150 Grigg]

EXHIBIT A

LEGAL DESCRIPTION

Parcel #: 452334404007

LOTS 13 AND 14 BLK 2 PLACERVILLE

EXHIBIT B

Public Meeting Record

County Planning Commission

Application: Telluride Forestry Solutions

Special Use Permit: Trade Business, In Placerville Commercial Zone District

Date: March 12, 2022

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
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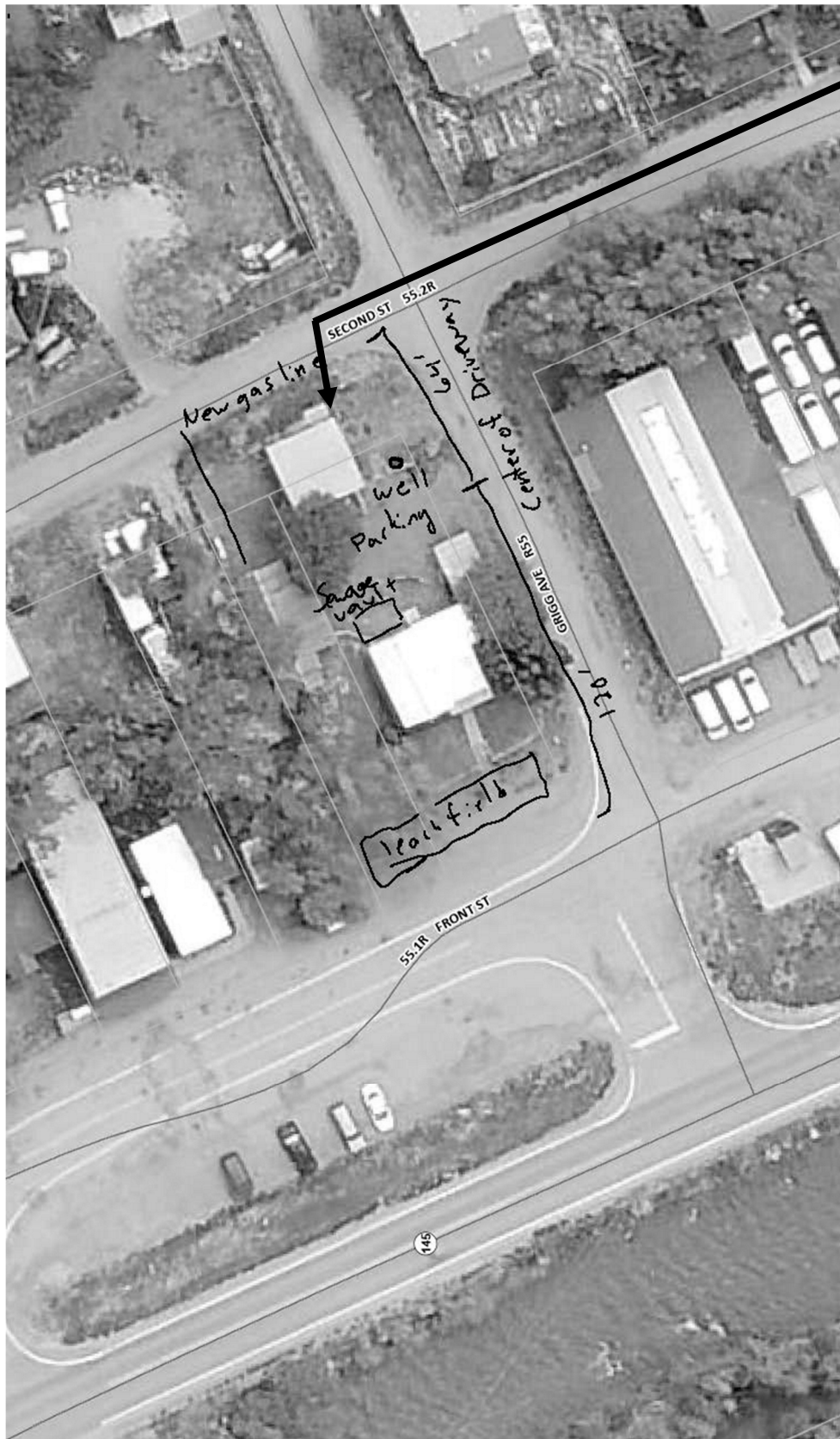
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10. Email from Ryan Righetti, SMC Road and Bridge Director, to Troy Hangen, Senior Planner received May 2, 2022.

PUBLIC COMMENTS

11. Email from Samantha Samuelson to SMC Planning received April 18, 2022.

Exhibit C - Site Plan



Proposed Building for Trade Business

Roby Peabody
TFS Ventures
970-708-0660
Box 161 Telluride CO
81435

Troy,

Attached is the map that shows our new driveway, parking, new gas line, and a rough location for the owts.

Our plan is to use the shop in the back corner of the property to store and work on equipment for my business, Telluride Forestry Solutions. Additionally, the 2 home locations on the property will be used for employee housing for my business. Between the 2 premises, there are 5 bedrooms. We are in the process of re-roofing the main house, getting permits for the driveway's new location, and running a new gas line to the smaller home. This property has been underutilized and neglected for many years, and we would like to contribute back to the community by returning this bed base back to the inventory.

My business is a forestry business that has operated in the area since 2011. I previously had a business of the same nature with a partner from 2005 - 2011, and have been involved in forest management in the area since 2000. We use chainsaws and wood chippers to create defensible spaces as fire protection to homes in the area. Additionally we perform forest restoration work to promote mixed stands which are more resilient to infestations and overall forest health. We are proud to provide our services throughout the county, and as far away as Colona.

We will have equipment (track loaders, chippers, trailers, trucks) stored at different times on the location, and have 3 main working trucks. During the summer months, most of our equipment will remain on work sites, and will be brought down to the shop for routine maintenance and repairs. In the winter months, we will store some of the equipment on the premises, but we also have other indoor storage options that we prefer to utilize.

Please let me know what else I need to supply, and I will happily work on it.

Thanks,
Roby



STANDARD LEASE AGREEMENT

This Agreement, dated April 6 2022, by and between a business entity known as TFS Ventures LLC of PO Box 161, Telluride, Colorado, 81435, hereinafter known as the "Landlord",

AND

A business entity known as Telluride Forestry Solutions, hereinafter known as the "Tenant(s)", agree to the following:

OCCUPANT(S): The Premises is to be occupied strictly as a residential dwelling with only the Tenant(s) mentioned above as the Occupant(s).

OFFER TO RENT: The Landlord hereby rents to the Tenant(s), subject to the following terms and conditions of this Agreement, Homes and All Property with the address of 200 + 210 Front St, Placerville, Colorado, 81430 consisting of 2 bathroom(s) and 5 bedroom(s) hereinafter known as the "Premises". The Landlord may also use the address for notices sent to the Tenant(s).

PURPOSE: The Tenant(s) and any Occupant(s) may only use the Premises as a residential dwelling. It may not be used for storage, manufacturing of any type of food or product, professional service(s), or for any commercial use unless otherwise stated in this Agreement.

FURNISHINGS: The Premises is not furnished.

APPLIANCES: The Landlord shall not provide any appliances in the Premises.

LEASE TERM: This Agreement shall be a fixed-period arrangement beginning on April 6 2022 and ending on April 6 2023 with the Tenant(s) having the option to continue to occupy the Premises under the same terms and conditions of this Agreement under a Month-to-Month arrangement (Tenancy at Will) with either the Landlord or Tenant having the option to cancel the tenancy with at least thirty (30) days notice or the minimum time-period set by the State, whichever is shorter. For the Tenant to continue under Month-to-Month tenancy at the expiration of the Lease Term, the Landlord must be

notified within sixty (60) days before the end of the Lease Term. Hereinafter known as the "Lease Term".

RENT: Tenant(s) shall pay the Landlord in equal monthly installments of \$6,000.00 (US Dollars) hereinafter known as the "Rent". The Rent will be due on the First (1st) of every month and be paid through an electronic payment known as Automated Clearing House or "ACH". Details of the Tenant's banking information and authorization shall be attached to this Lease Agreement.

NON-SUFFICIENT FUNDS (NSF CHECKS): If the Tenant(s) attempts to pay the rent with a check that is not honored or an electronic transaction (ACH) due to insufficient funds (NSF) there shall be no fee (US Dollars).

LATE FEE: If rent is not paid on the due date, there shall be no fee assessed. A notice to pay or quit shall be submitted to the Tenant(s) for the requested payment.

FIRST (1ST) MONTH'S RENT: First (1st) month's rent shall be due by the Tenant(s) upon the execution of this Agreement.

PRE-PAYMENT: The Landlord shall not require any pre-payment of rent by the Tenant(s).

PRORATION PERIOD: The Tenant(s) will not move into the Premises before the start of the Lease Term.

SECURITY DEPOSIT: The Tenant(s) shall not be obligated to pay a Security Deposit as part of this Agreement.

POSSESSION: Tenant(s) has examined the condition of the Premises and by taking possession acknowledges that they have accepted the Premises in good order and in its current condition except as herein otherwise stated. Failure of the Landlord to deliver possession of the Premises at the start of the Lease Term to the Tenant(s) shall terminate this Agreement at the option of the Tenant(s). Furthermore, under such failure to deliver possession by the Landlord, and if the Tenant(s) cancels this Agreement, the Security Deposit (if any) shall be returned to the Tenant(s) along with any other pre-paid rent, fees, including if the Tenant(s) paid a fee during the application process before the execution of this Agreement.

ACCESS: Upon the beginning of the Proration Period or the start of the Lease Term, whichever is earlier, the Landlord agrees to give access to the Tenant(s) in the form of keys, fobs, cards, or any type of keyless security entry as needed to enter the common areas and the Premises. Duplicate copies of the access provided may only be authorized under the consent of the Landlord and, if any replacements are needed, the Landlord may provide them for a fee. At the end of this Agreement all access provided to the Tenant(s) shall be returned to the Landlord or a fee will be charged to the Tenant(s) or the fee will be subtracted from the Security Deposit.

MOVE-IN INSPECTION: Before, at the time of the Tenant(s) accepting possession, or shortly thereafter, the Landlord and Tenant(s) shall not perform an inspection of the Premises.

SUBLETTING: The Tenant(s) shall not have the right to sub-let the Premises or any part thereof without the prior written consent of the Landlord. If consent is granted by the Landlord, the Tenant(s) will be responsible for all actions and liabilities of the Sublessee including but not limited to: damage to the Premises, non-payment of rent, and any eviction process (In the event of an eviction the Tenant(s) shall be responsible for all court filing fee(s), representation, and any other fee(s) associated with removing the Sublessee). The consent by the Landlord to one sub-let shall not be deemed to be consent to any subsequent subletting.

ABANDONMENT: If the Tenant(s) vacates or abandons the property for a time-period that is the minimum set by State law or seven (7) days, whichever is less, the Landlord shall have the right to terminate this Agreement immediately and remove all belongings including any personal property off of the Premises. If the Tenant(s) vacates or abandons the property, the Landlord shall immediately have the right to terminate this Agreement.

ASSIGNMENT: Tenant(s) shall not assign this Lease without the prior written consent of the Landlord. The consent by the Landlord to one assignment shall not be deemed to be consent to any subsequent assignment.

PARKING: The Landlord shall provide the Tenant(s) unlimited parking.

The Landlord shall not charge a fee for the unlimited parking.

RIGHT OF ENTRY: The Landlord shall have the right to enter the Premises during normal working hours by providing notice in accordance with the minimum State requirement in order for inspection, make necessary repairs, alterations or improvements, to supply services as agreed or for any reasonable purpose. The Landlord may exhibit the Premises to prospective purchasers, mortgagees, or lessees upon reasonable notice.

SALE OF PROPERTY: If the Premises is sold, the Tenant(s) is to be notified of the new Owner, and if there is a new Manager, their contact details for repairs and maintenance shall be forwarded. If the Premises is conveyed to another party, the new owner shall not have the right to terminate this Agreement and it shall continue under the terms and conditions agreed upon by the Landlord and Tenant(s).

UTILITIES: The Landlord agrees to pay for the following utilities and services:

Trash Removal, with all other utilities and services to be the responsibility of the Tenant(s).

MAINTENANCE, REPAIRS, OR ALTERATIONS: The Tenant(s) shall, at their own expense and at all times, maintain premises in a clean and sanitary manner, and shall surrender the same at termination hereof, in as good condition as received, normal wear and tear excepted. The Tenant(s) may not make any alterations to the leased premises without the consent in writing of the Landlord. The Landlord shall be responsible for repairs to the interior and exterior of the building. If the Premises includes a washer, dryer, freezer, dehumidifier unit and/or air conditioning unit, the Landlord makes no warranty as to the repair or replacement of units if one or all shall fail to operate. The Landlord will place fresh batteries in all battery-operated smoke detectors when the Tenant(s) moves into the premises. After the initial placement of the fresh batteries it is the responsibility of the Tenant(s) to replace batteries when needed. A monthly " cursory " inspection may be required for all fire extinguishers to make sure they are fully charged.

EARLY TERMINATION: The Tenant(s) may not be able to cancel this Agreement unless the Tenant is a victim of Domestic Violence, in such case, the Tenant may be able to cancel in accordance with any local, state, or federal laws.

PETS: The Tenant(s) shall be allowed to have:

One (1) pet on the Premises consisting of Dogs, with no other types of Pet(s) being allowed on the Premises or common areas, hereinafter known as the "Pet(s)". The Tenant(s) shall not be required to pay a fee for any pet allowed on the Premises. The Tenant(s) is responsible for all damage that any pet causes, regardless of ownership of said pet and agrees to restore the property to its original condition at their expense. There shall be no limit on the weight of the pet. pounds (Lb.).

NOISE/WASTE: The Tenant(s) agrees not to commit waste on the premises, maintain, or permit to be maintained, a nuisance thereon, or use, or permit the premises to be used, in an unlawful manner. The Tenant(s) further agrees to abide by any and all local, county, and State noise ordinances.

GUESTS: There shall be no other persons living on the Premises other than the Tenant(s) and any Occupant(s). Guests of the Tenant(s) are allowed for periods not lasting for more than x unless otherwise approved by the Landlord.

SMOKING POLICY: Smoking on the Premises is prohibited on the entire property, including individual units, common areas, every building and adjoining properties.

COMPLIANCE WITH LAW: The Tenant(s) agrees that during the term of the Agreement, to promptly comply with any present and future laws, ordinances, orders, rules, regulations, and requirements of the Federal, State, County, City, and Municipal government or any of their departments, bureaus, boards, commissions and officials thereof with respect to the premises, or the use or occupancy thereof, whether said compliance shall be ordered or directed to or against the Tenant(s), the Landlord, or both.

DEFAULT: If the Tenant(s) fails to comply with any of the financial or material provisions of this Agreement, or of any present rules and regulations or any that may be hereafter prescribed by the Landlord, or materially fails to comply with any duties imposed on the Tenant(s) by statute or State laws, within the time period after delivery of written notice by the Landlord specifying the non-compliance and indicating the intention of the Landlord to terminate the Agreement by reason thereof, the Landlord may terminate this Agreement. If the Tenant(s) fails to pay rent when due and the default continues for the time-period specified in the written notice thereafter, the Landlord may, at their option, declare the entire balance (compiling all months applicable to this Agreement) of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to the Landlord at law or in equity and may immediately terminate this Agreement.

The Tenant(s) will be in default if: (a) Tenant(s) does not pay rent or other amounts that are owed in accordance with respective State laws; (b) Tenant(s), their guests, or the Occupant(s) violate this Agreement, rules, or fire, safety, health, or criminal laws, regardless of whether arrest or conviction occurs; (c) Tenant(s) abandons the Premises; (d) Tenant(s) gives incorrect or false information in the rental application; (e) Tenant(s), or any Occupant(s) is arrested, convicted, or given deferred adjudication for a criminal offense involving actual or potential physical harm to a person, or involving possession, manufacture, or delivery of a controlled substance, marijuana, or drug paraphernalia under state statute; (f) any illegal drugs or paraphernalia are found in the Premises or on the person of the Tenant(s), guests, or Occupant(s) while on the Premises and/or; (g) as otherwise allowed by law.

MULTIPLE TENANT(S) OR OCCUPANT(S): Each individual that is considered a Tenant(s) is jointly and individually liable for all of this Agreement's obligations, including but not limited to rent monies. If any Tenant(s), guest, or Occupant(s) violates this Agreement, the Tenant(s) is considered to have violated this Agreement. Landlord's requests and notices to the Tenant(s) or any of the Occupant(s) of legal age constitutes notice to the Tenant(s). Notices and requests from the Tenant(s) or any one of the Occupant(s) (including repair requests and entry permissions) constitutes notice from the Tenant(s). In eviction suits, the Tenant(s) is considered the agent of the Premise for the service of process.

DISPUTES: If a dispute arises during or after the term of this Agreement between the Landlord and Tenant(s), they shall agree to hold negotiations amongst themselves, in "good faith", before any litigation.

SEVERABILITY: If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

SURRENDER OF PREMISES: The Tenant(s) has surrendered the Premises when (a) the move-out date has passed and no one is living in the Premise within the Landlord's reasonable judgment; or (b) Access to the Premise have been turned in to Landlord – whichever comes first. Upon the expiration of the term hereof, the Tenant(s) shall surrender the Premise in better or equal condition as it were at the commencement of this Agreement, reasonable use, wear and tear thereof, and damages by the elements excepted.

RETALIATION: The Landlord is prohibited from making any type of retaliatory acts against the Tenant(s) including but not limited to restricting access to the Premises, decreasing or cancelling services or utilities, failure to repair appliances or fixtures, or any other type of act that could be considered unjustified.

WAIVER: A Waiver by the Landlord for a breach of any covenant or duty by the Tenant(s), under this Agreement is not a waiver for a breach of any other covenant or duty by the Tenant(s), or of any subsequent breach of the same covenant or duty. No provision of this Agreement shall be considered waived unless such a waiver shall be expressed in writing as a formal amendment to this Agreement and executed by the Tenant(s) and Landlord.

EQUAL HOUSING: If the Tenant(s) possess(es) any mental or physical impairment, the Landlord shall provide reasonable modifications to the Premises unless the modifications would be too difficult or expensive for the Landlord to provide. Any impairment of the Tenant(s) is/are encouraged to be

provided and presented to the Landlord in writing in order to seek the most appropriate route for providing the modifications to the Premises.

HAZARDOUS MATERIALS: The Tenant(s) agrees to not possess any type of personal property that could be considered a fire hazard such as a substance having flammable or explosive characteristics on the Premises. Items that are prohibited to be brought into the Premises, other than for everyday cooking or the need of an appliance, includes but is not limited to gas (compressed), gasoline, fuel, propane, kerosene, motor oil, fireworks, or any other related content in the form of a liquid, solid, or gas.

WATERBEDS: The Tenant(s) is not permitted to furnish the Premises with waterbeds.

INDEMNIFICATION: The Landlord shall not be liable for any damage or injury to the Tenant(s), or any other person, or to any property, occurring on the Premises, or any part thereof, or in common areas thereof, and the Tenant(s) agrees to hold the Landlord harmless from any claims or damages unless caused solely by the Landlord's negligence. It is recommended that renter's insurance be purchased at the Tenant(s)'s expense.

COVENANTS: The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this Agreement.

NOTICES: Any notice to be sent by the Landlord or the Tenant(s) to each other shall use the following mailing addresses:

Landlord's/Agent's Mailing Address

TFS Ventures LLC, ATTN. Roby Peabody
PO Box 161, Telluride, Colorado, 81435

Tenant(s)'s Mailing Address

Telluride Forestry Solutions, ATTN. Roby Peabody
200 + 210 Front St, Placerville, Colorado, 81430

AGENT/MANAGER: The Landlord does not have an Agent or Manager and all contact in regards to any repair, maintenance, or complaint must go through the Landlord through the following contact information:

Landlord's Phone Number: (970) 708-0660 Email: tellurideforestrysolutions@gmail.com.

PREMISES DEEMED UNINHABITABLE: If the Property is deemed uninhabitable due to damage beyond reasonable repair the Tenant(s) will be able to terminate this Agreement by written notice to the Landlord. If said damage was due to the negligence of the Tenant(s), the Tenant(s) shall be liable to the Landlord for all repairs and for the loss of income due to restoring the Premises back to a livable condition in addition to any other losses that can be proved by the Landlord.

SERVICEMEMBERS CIVIL RELIEF ACT: In the event the Tenant(s) is or hereafter becomes, a member of the United States Armed Forces on extended active duty and hereafter the Tenant(s) receives permanent change of station (PCS) orders to depart from the area where the Premises are located, or is relieved from active duty, retires or separates from the military, is ordered into military housing, or receives deployment orders, then in any of these events, the Tenant may terminate this lease upon giving thirty (30) days written notice to the Landlord. The Tenant shall also provide to the Landlord a copy of the official orders or a letter signed by the Tenant's commanding officer, reflecting the change which warrants termination under this clause. The Tenant will pay prorated rent for any days which he/she occupies the dwelling past the beginning of the rental period.

The damage/security deposit will be promptly returned to Tenant, provided there are no damages to the Premises.

LEAD PAINT: The Premises was constructed before 1978 and therefore the Lead-Based Paint Disclosure that is attached to this Agreement must be authorized.

GOVERNING LAW: This Agreement is to be governed under the laws located in the State of Colorado.

ADDITIONAL TERMS AND CONDITIONS: In addition to the above stated terms and conditions of this Agreement, the Landlord and Tenant agree to the following: The tenant will be required to provide unconditional access to the restrooms and water to any occupier of the back shop area for sanitation purposes.

ENTIRE AGREEMENT: This Agreement contains all the terms agreed to by the parties relating to its subject matter including any attachments or addendums. This Agreement replaces all previous discussions, understandings, and oral agreements. The Landlord and Tenant(s) agree to the terms and conditions and shall be bound until the end of the Lease Term.

The parties have agreed and executed this agreement on April 6 2022.

LANDLORD(S) SIGNATURE

Landlord's Signature  _____

Roby Peabody as CEO of TFS Ventures LLC

TENANT(S) SIGNATURE

Tenant's Signature  _____

Roby Peabody as CEO of Telluride Forestry Solutions

AMOUNT (\$) DUE AT SIGNING

First (1st) Month's Rent: \$6,000.00

Lead-Based Paint Disclosure

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards Lead Warning Statement Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards

(check (i) or (ii) below)

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). _____

(ii) ☒ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor

(check (i) or (ii) below)

(i) _____ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) ☒ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

RP

(c) HF Lessee has received copies of all information listed above.

(d) HF Lessee has received the pamphlet Protect Your Family from Lead in Your Home.

Agent's Acknowledgment (if any) (initial)

(e) _____ Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate. **Tenant's**

Signature 
Roby Peabody as CEO of Telluride Forestry Solutions

Recurring ACH Payment Authorization

I, _____ [Tenant's Name], authorize regularly scheduled charges to my checking/savings account. I agree to be charged the amount indicated below for each billing period. I agree that no prior-notification will be provided unless I consent to the date or amount changes at least 30 days prior to the payment being collected.

I, _____ [Tenant's Name], authorize _____ [Landlord's Name] to charge my bank account in the amount of \$ _____ on the First (1st) of each month for rent including any other fees as part of the Lease Agreement dated April 6 2022

Billing Information

Billing Address _____ Phone # _____

City, State, Zip _____ Email _____

Bank Details

☐ Checking ☐ Savings

Account Name _____

Bank Name _____

Account Number _____

Routing Number _____

I understand that this authorization will remain in effect until I cancel it in writing, and I agree to notify the Landlord in writing of any changes in my account information or termination of this authorization at least 10 days prior to the next billing date. If the above noted payment dates fall on a weekend or holiday, I understand that the payments may be executed on the next business day. For ACH debits to my checking/savings account, I understand that because these are electronic transactions, these funds may be withdrawn from my account as soon as the above noted periodic transaction dates. In the case

of an ACH Transaction being rejected for Non-Sufficient Funds (NSF) I understand that the Landlord may, at its discretion, attempt to process the charge again within 30 days, and agree that there shall be no fee for each attempted and returned NSF which will be initiated as a separate transaction from the authorized recurring payment. I acknowledge that the origination of ACH transactions to my account must comply with the provisions of U.S. law. I certify that I am an authorized user of this bank account and will not dispute these scheduled transactions with my bank; so long as the transactions correspond to the terms indicated in this authorization form.

ACCOUNT HOLDER'S SIGNATURE _____

Date _____

We, the owners of 200 and 210 Front St Placerville do hereby agree to a joint usage, and maintenance of the water and sewage system for the 2 properties. This is to include up to 3 bathrooms, with shared sewage storage and leach field. Both residences will be allowed to use the fresh water well. This agreement will also be binding in the case of one or more of the properties being sold to different individuals.

210 Front St

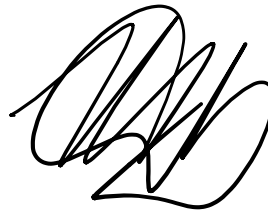
Owner TFS Ventures LLC

A handwritten signature in black ink, appearing to be a stylized 'T' or 'F' followed by a long horizontal stroke.

4-6-22

200 Front St

Owner TFS Ventures LLC

A handwritten signature in black ink, appearing to be a stylized 'T' or 'F' followed by a long horizontal stroke.

4-6-22

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

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

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

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

AND

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

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

Rok, Prabody TFS Ventures
Name

(Insert Applicant's name if executed by agent)

150 Grig St
Physical location of Property and/or legal description

P.O. Box 161 Telluride Co 81435
Mailing Address (if different from above)

Date: 4-15-22

Signature: 

[text/luc/certification.property.owner]

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



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral Comments For a one step CPC process for a Trade Business - Forestry

Troy Hangen <troyh@sanmiguelcountyco.gov>

Mon, Apr 11, 2022 at 1:25 PM

To: Amy Markwell <amym@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>

Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Hello

Please find a Land Use Application submission for a Forestry Business in the Placerville Commercial Zone District. We consider this a Trade Business which requires a CPC approval One Step process.

Please have comments to me by May 5. The lease agreement and OWTS agreement are preliminary language for mainly sanitation uses.

Please view some site pictures the applicant submitted. IMG 1600 is the shop in question that will be used for the business. The homes are where the workers will be living.

Thank

--

Troy Hangen

Senior Planner

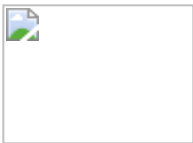
San Miguel County

P:970-728-3083

333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

www.sanmiguelcountyco.gov



11 attachments



Project Naritive.docx

14K



OSWTS Agreement.docx

40K



SMC GIS Image full project.pdf

2458K



Colorado-Residential-Lease-Agreement_2022_04_06.docx

75K



IMG_1590.HEIC

1190K



IMG_1598.HEIC

985K



IMG_1591.HEIC
1242K



IMG_1596.HEIC
844K



IMG_1594.HEIC
1492K



IMG_1600.HEIC
1250K



Memo to referral agencies.pdf
69K



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral Comments For a one step CPC process for a Trade Business - Forestry

Amy Markwell <amym@sanmiguelcountyco.gov>

Thu, Apr 14, 2022 at 4:47 PM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Cc: Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>

My main comment is that should require a Revocable Encroachment Agreement regarding the "workshop" that is in the County ROW.

Thanks,

Amy

[Quoted text hidden]



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral Comments For a one step CPC process for a Trade Business - Forestry

Matt Gonzales <mattg@sanmiguelcountyco.gov>

Sat, Apr 23, 2022 at 4:17 PM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

The SMC Building Department should be contacted prior to any construction/remodel/improvement activities commence.

Thanks,

Matt Gonzales

Building Official

San Miguel County, CO

970-369-5440 (o)

970-708-8821 (c)



For view only access to codes: <https://codes.iccsafe.org/public/collections/I-Codes>

On Mon, Apr 11, 2022 at 1:25 PM Troy Hangen <troyh@sanmiguelcountyco.gov> wrote:

[Quoted text hidden]



ROAD & BRIDGE DEPARTMENT

RYAN RIGHETTI, ROAD SUPERINTENDENT

May 2, 2022

To: Troy Hangen
CC: SMC Planning Commission; Kaye Simonson; Amy Markwell; Matt Gonzales; Mike Bordogna; Lisa Garrett
From: Ryan Righetti *RR*
RE: Comments on Placerville Commercial Business Land Use Application #20220048

Road and Bridge has the following comments and recommendations for approval of the Land Use Application for a Forestry Business in the Placerville Commercial Zone District.

LOT 200:

Primary impacts to the public road will be the additional traffic created by the commercial business. To mitigate and minimize traffic congestion on Front St, Road and Bridge will authorize a new driveway to access the Forestry Business. The location of this new access will be from Grigg Ave. This new access is intended to be used for all residential and commercial vehicles and equipment, this approval shall not be considered an additional driveway for lot 200. This will ensure we comply with the standards of providing off street parking as defined in the LUC. A new address will be assigned to reflect the change in approved access.

5-311 G. Minimum Off-street Parking

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

Currently, Lot 200 includes the use of a pre-existing non-conforming structure that has been constructed in the County Road Right-of-Way. This structure is intended to be used as part of the commercial Forestry Business. Road and Bridge has determined that this structure will be able to remain in place and can continue to be used so long as the use is consistent with its pre-existing condition. Any improvements or changes in use to the structure will require the structure to become more conforming, up to and including relocation of the structure.

A Revocable Encroachment Agreement will be required to allow for the continued, non-conforming structure to be used. The owner and the County shall enter into this agreement prior to approval of the Land Use Application.

LOT 210:

Residential parking for Lot 210 will remain unchanged and access will continue to be from Front St.



Troy Hangen <troyh@sanmiguelcountyco.gov>

Roby Peabody Special Use Permit

SamanthaLyn Samuelson <slynsamuelson66@gmail.com>

Mon, Apr 18, 2022 at 1:05 PM

To: planning@sanmiguelcountyco.gov

To whom it may concern at San Miguel County Planning,

We support Roby Peabody's Special Use Permit for a Trade Business (Forestry Business) at 200 Front Street, Placerville, Colorado Parcel #455702400080.

Best regards,

Samantha Lyn and David B. Samuelson
Placerville, Colorado

SamanthaLyn Samuelson

slynsamuelson66@gmail.com

samanthalynsamuelson.smugmug.com



AGENDA ITEM

TITLE:

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 existing equine riding arena. MOTION

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[COMBINED Fox Packet 5-12-2022.pdf](#)

Description:

Public Meeting Record

County Planning Commission

Application: William and Carolyn Fox

Special Use Permit: An Accessory Structure with a footprint greater than 3,000 square in the Forestry, Agriculture and Open (F) Zone District

Date: March 12, 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 Troy Hangen, Senior Planner dated May 12, 2022.
4. Draft Resolution of the County Planning Commission, San Miguel County, Colorado, Resolution 2022-03, Approving a Special Use Permit For an accessory Structure with a footprint greater than 3,000 square feet in the Forestry, Agriculture and Open (F) Zone District.
5. Application submitted by William and Carolyn Fox dated April 5, 2022.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated April 20, 2022.

AGENCY COMMENTS

7. Email to Review Agencies from Troy Hangen, Senior Planner dated April 11, 2022.
8. Email from Amy Markwell, County Attorney to Troy Hangen, Senior Planner, received April 14, 2022.
9. Email from Matt Gonzales, Building Official to Troy Hangen, Senior Planner received April 26, 2022.
10. Email from Starr Jamison, San Miguel County Natural Resources and Special Projects Director, to Troy Hangen, Senior Planner received May 2, 2022.
11. Email from Mark Caddy – Colorado Parks and Wildlife to Troy Hangen, Senior Planner dated May 5, 2022

PUBLIC COMMENTS

NONE

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Troy Hangen, Senior Planner
RE: William and Carolyn Fox One-Step Special Use Permit for an Accessory Structure with a footprint greater than 3,000 square feet in the Forestry, Agriculture, Open (F) Zone District
DATE: May 12, 2022

SUMMARY OF REQUEST

William and Carolyn Fox have submitted an application requesting approval of a Special Use Permit for an Accessory Structure with a footprint greater than 3,000 square feet. The proposed structure will be over a portion of their existing horse arena at 7725 County Road 44Z S, a 496-acre parcel, #455702400080. It is located approximately 7.5 miles south of Norwood and the parcel, is mostly in the Forestry, Agriculture and Open (F) Zone District. The northern part of the site is in the Wright's Mesa (WM) Zone District.

BACKGROUND

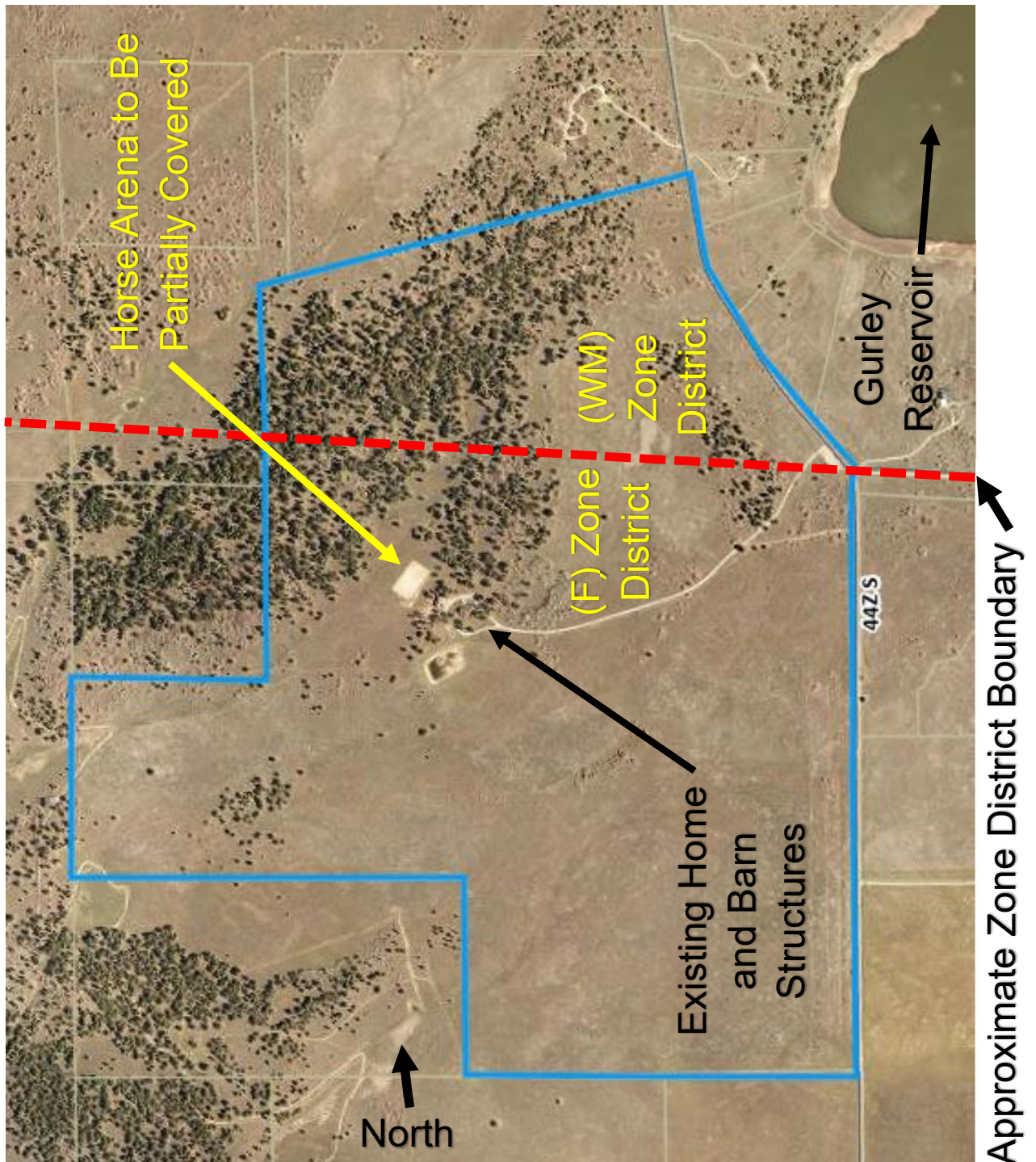
The main residence and structures of the property were built in 1998. An outdoor horse arena just west of the residence and barn was built between 2005-2010. The parcel was purchased by William and Carolyn Fox in June of 2020.

PROPOSAL

William and Carolyn Fox are proposing a 12,000 square feet (80'x150') arena roof to 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. The roof will 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. An Accessory Structure with a footprint greater than 3,000 square feet is a use allowed in the Forestry, Agriculture and Open (F) Zone District Zone District subject to a One-Step Planning Commission Special Use Permit Review, pursuant to SMC Land Use Code Section 5-307 D. XII.

This map shows the Norwood area, including the Gurley Reservoir. The map displays various zoning districts, including AA40, AA42, ESIDE, Z44, Z45, Z42, Z43, Z46, Z47, Z48, Z49, Z50, Z51, Z52, Z53, Z54, Z55, Z56, Z57, Z58, Z59, Z60, Z61, Z62, Z63, Z64, Z65, Z66, Z67, Z68, Z69, Z70, Z71, Z72, Z73, Z74, Z75, Z76, Z77, Z78, Z79, Z80, Z81, Z82, Z83, Z84, Z85, Z86, Z87, Z88, Z89, Z90, Z91, Z92, Z93, Z94, Z95, Z96, Z97, Z98, Z99, Z100, Z101, Z102, Z103, Z104, Z105, Z106, Z107, Z108, Z109, Z110, Z111, Z112, Z113, Z114, Z115, Z116, Z117, Z118, Z119, Z120, Z121, Z122, Z123, Z124, Z125, Z126, Z127, Z128, Z129, Z130, Z131, Z132, Z133, Z134, Z135, Z136, Z137, Z138, Z139, Z140, Z141, Z142, Z143, Z144, Z145, Z146, Z147, Z148, Z149, Z150, Z151, Z152, Z153, Z154, Z155, Z156, Z157, Z158, Z159, Z160, Z161, Z162, Z163, Z164, Z165, Z166, Z167, Z168, Z169, Z170, Z171, Z172, Z173, Z174, Z175, Z176, Z177, Z178, Z179, Z180, Z181, Z182, Z183, Z184, Z185, Z186, Z187, Z188, Z189, Z190, Z191, Z192, Z193, Z194, Z195, Z196, Z197, Z198, Z199, Z200, Z201, Z202, Z203, Z204, Z205, Z206, Z207, Z208, Z209, Z210, Z211, Z212, Z213, Z214, Z215, Z216, Z217, Z218, Z219, Z220, Z221, Z222, Z223, Z224, Z225, Z226, Z227, Z228, Z229, Z230, Z231, Z232, Z233, Z234, Z235, Z236, Z237, Z238, Z239, Z240, Z241, Z242, Z243, Z244, Z245, Z246, Z247, Z248, Z249, Z250, Z251, Z252, Z253, Z254, Z255, Z256, Z257, Z258, Z259, Z260, Z261, Z262, Z263, Z264, Z265, Z266, Z267, Z268, Z269, Z270, Z271, Z272, Z273, Z274, Z275, Z276, Z277, Z278, Z279, Z280, Z281, Z282, Z283, Z284, Z285, Z286, Z287, Z288, Z289, Z290, Z291, Z292, Z293, Z294, Z295, Z296, Z297, Z298, Z299, Z300, Z301, Z302, Z303, Z304, Z305, Z306, Z307, Z308, Z309, Z310, Z311, Z312, Z313, Z314, Z315, Z316, Z317, Z318, Z319, Z320, Z321, Z322, Z323, Z324, Z325, Z326, Z327, Z328, Z329, Z330, Z331, Z332, Z333, Z334, Z335, Z336, Z337, Z338, Z339, Z340, Z341, Z342, Z343, Z344, Z345, Z346, Z347, Z348, Z349, Z350, Z351, Z352, Z353, Z354, Z355, Z356, Z357, Z358, Z359, Z360, Z361, Z362, Z363, Z364, Z365, Z366, Z367, Z368, Z369, Z370, Z371, Z372, Z373, Z374, Z375, Z376, Z377, Z378, Z379, Z380, Z381, Z382, Z383, Z384, Z385, Z386, Z387, Z388, Z389, Z390, Z391, Z392, Z393, Z394, Z395, Z396, Z397, Z398, Z399, Z400, Z401, Z402, Z403, Z404, Z405, Z406, Z407, Z408, Z409, Z410, Z411, Z412, Z413, Z414, Z415, Z416, Z417, Z418, Z419, Z420, Z421, Z422, Z423, Z424, Z425, Z426, Z427, Z428, Z429, Z430, Z431, Z432, Z433, Z434, Z435, Z436, Z437, Z438, Z439, Z440, Z441, Z442, Z443, Z444, Z445, Z446, Z447, Z448, Z449, Z450, Z451, Z452, Z453, Z454, Z455, Z456, Z457, Z458, Z459, Z460, Z461, Z462, Z463, Z464, Z465, Z466, Z467, Z468, Z469, Z470, Z471, Z472, Z473, Z474, Z475, Z476, Z477, Z478, Z479, Z480, Z481, Z482, Z483, Z484, Z485, Z486, Z487, Z488, Z489, Z490, Z491, Z492, Z493, Z494, Z495, Z496, Z497, Z498, Z499, Z500, Z501, Z502, Z503, Z504, Z505, Z506, Z507, Z508, Z509, Z510, Z511, Z512, Z513, Z514, Z515, Z516, Z517, Z518, Z519, Z520, Z521, Z522, Z523, Z524, Z525, Z526, Z527, Z528, Z529, Z530, Z531, Z532, Z533, Z534, Z535, Z536, Z537, Z538, Z539, Z540, Z541, Z542, Z543, Z544, Z545, Z546, Z547, Z548, Z549, Z550, Z551, Z552, Z553, Z554, Z555, Z556, Z557, Z558, Z559, Z560, Z561, Z562, Z563, Z564, Z565, Z566, Z567, Z568, Z569, Z570, Z571, Z572, Z573, Z574, Z575, Z576, Z577, Z578, Z579, Z580, Z581, Z582, Z583, Z584, Z585, Z586, Z587, Z588, Z589, Z590, Z591, Z592, Z593, Z594, Z595, Z596, Z597, Z598, Z599, Z600, Z601, Z602, Z603, Z604, Z605, Z606, Z607, Z608, Z609, Z610, Z611, Z612, Z613, Z614, Z615, Z616, Z617, Z618, Z619, Z620, Z621, Z622, Z623, Z624, Z625, Z626, Z627, Z628, Z629, Z630, Z631, Z632, Z633, Z634, Z635, Z636, Z637, Z638, Z639, Z640, Z641, Z642, Z643, Z644, Z645, Z646, Z647, Z648, Z649, Z650, Z651, Z652, Z653, Z654, Z655, Z656, Z657, Z658, Z659, Z660, Z661, Z662, Z663, Z664, Z665, Z666, Z667, Z668, Z669, Z670, Z671, Z672, Z673, Z674, Z675, Z676, Z677, Z678, Z679, Z680, Z681, Z682, Z683, Z684, Z685, Z686, Z687, Z688, Z689, Z690, Z691, Z692, Z693, Z694, Z695, Z696, Z697, Z698, Z699, Z700, Z701, Z702, Z703, Z704, Z705, Z706, Z707, Z708, Z709, Z710, Z711, Z712, Z713, Z714, Z715, Z716, Z717, Z718, Z719, Z720, Z721, Z722, Z723, Z724, Z725, Z726, Z727, Z728, Z729, Z730, Z731, Z732, Z733, Z734, Z735, Z736, Z737, Z738, Z739, Z740, Z741, Z742, Z743, Z744, Z745, Z746, Z747, Z748, Z749, Z750, Z751, Z752, Z753, Z754, Z755, Z756, Z757, Z758, Z759, Z760, Z761, Z762, Z763, Z764, Z765, Z766, Z767, Z768, Z769, Z770, Z771, Z772, Z773, Z774, Z775, Z776, Z777, Z778, Z779, Z780, Z781, Z782, Z783, Z784, Z785, Z786, Z787, Z788, Z789, Z790, Z791, Z792, Z793, Z794, Z795, Z796, Z797, Z798, Z799, Z800, Z801, Z802, Z803, Z804, Z805, Z806, Z807, Z808, Z809, Z810, Z811, Z812, Z813, Z814, Z815, Z816, Z817, Z818, Z819, Z820, Z821, Z822, Z823, Z824, Z825, Z826, Z827, Z828, Z829, Z830, Z831, Z832, Z833, Z834, Z835, Z836, Z837, Z838, Z839, Z840, Z841, Z842, Z843, Z844, Z845, Z846, Z847, Z848, Z849, Z850, Z851, Z852, Z853, Z854, Z855, Z856, Z857, Z858, Z859, Z

AERIAL MAP



SITE MAP



EXAMPLES OF ARENA ROOFS



PUBLIC NOTICES

Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, April 27, 2022. Public Notice and the required posting was also completed by William Fox on April 20, 2022. Notice was mailed to all property owners within 500 feet of the property on April 20, 2022.

REFERRALS

Notified Referral Agencies:

San Miguel County Manager
San Miguel County Attorney - responded
San Miguel County Road and Bridge Department
San Miguel County Site Inspector
San Miguel County Building Official - responded
Colorado Parks and Wildlife - responded
Norwood Fire Protection District
Gurley Lake Ranches HOA
San Miguel County Natural Resources and Special Projects Director - responded

Amy Markwell, San Miguel County Attorney – no comment

Matt Gonzales, SMC Building Official – there should not be any barriers in regard to the building permit

Starr Jamison, San Miguel County Natural Resources and Special Projects Director – since this project will occur within a Gunnison sage-grouse mapped production area and occupied habitat, construction shall not commence before July 1.

Mark Caddy – Colorado Parks and Wildlife – CPW does not feel it will be of significant impact

Public Comments: As of the writing of this report, no public comment have been received.

REVIEW STANDARDS

The Planning Commission shall evaluate the Special Use Permit application using LUC Section 5-10: Special Uses

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County

Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

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

The Uses to be reviewed shall be:

I. Consistent with the County Master Plan;

A Goal of San Miguel County Comprehensive Plan Section 7.2 A Natural Resources, Agriculture and Recreation is...

"To develop San Miguel County's natural resources, upon which the economy is based - for mining, agriculture and recreation - in a manner which enhances the living environment of its citizens."

The Applicants would like to utilize part of their almost 500-acre property year round by installing a large roof over the existing horse arena for recreation purposes.

II. Consistent with County Land Use Policies in Article 2;

2-6 Compatibility with existing adjacent neighbors - The proposal is compatible with the existing adjacent neighborhoods as the proposed roof does not increase any density and maintains the rural feel nearby.

2-12 Scenic Quality - The scenic quality is maintained as the proposal is tucked away in the center of the almost 500-acre property behind trees and no visible from any adjacent parcel.

2-15 Noise - The proposal will not generate noise to nearby parcels as it will be a roof over a horse arena.

2-16 Wildlife Protection - The proposal will only be able to be constructed a certain time of the year to not affect the Gunnison Sage Grouse lekking time.

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

The proposed structure is consistent with the Zone District in which

it is proposed as recreation is one of the goals for in the Forestry, Agriculture and Open Zone District.

- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land uses, and may enhance the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

The proposal is consistent with the character of the neighborhood because the structure is out of sight of the neighbors protecting the character of the surrounding land.

- V. Necessary for public convenience at the proposed location; and
This proposal is for private use only and is not intended for public convenience.

- VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

The structure will have no impact on the public health, safety, and welfare.

5-1002 B. Impacts on Surrounding Area

Compatibility with the character of parcels adjacent to the parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, as well as, the control and minimization of adverse Impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

The proposed structure is proposed near the center of the almost 500-acre property where no noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions are anticipated.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

This is proposed to be private use where there will not be a need for water, sewer, or other services other than those already provided to the property.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable use permit as deemed necessary by the Board of Commissioners or the Planning

Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

No bond is required.

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

- I. A Site plan including:
 - a. Ownership, Use and zoning of all adjacent Parcels;
 - b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
 - c. Easements;
 - d. Location and dimensions of Structures and Signs;
 - e. Typical elevations/Heights of such Buildings;
 - f. Landscaping;
 - g. Topography; and
 - h. Specific areas proposed for specific types of land Use/the identification of specific land Uses;
 - i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;
- II. Lighting plan;
- III. Signs – all Signs must meet Section 5-704 standards;
- IV. Water/sewer plan – must meet state standards and may include verification of a commercial well permit;
- V. Drainage plan;
- VI. Grading plan;
- VII. Dust control plan;
- VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;
- IX. Weed control plan that must include use of weed free hay or straw;
- X. Fencing Plan; and
- XI. Additional permits as necessary from other agencies.

The application is proposing to add a roof over an existing outdoor arena. There is no additional ground disturbance proposed.

Recommendation

I Move to Approve the Fox Special Use Permit for an the 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 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.

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A SPECIAL USE PERMIT FOR AN ACCESSORY STRUCTURE WITH
A FOOTPRINT GREATER THAN 3,000 SQUARE FEET IN THE FORESTRY,
AGRICULTURE AND OPEN (F) ZONE DISTRICT**

Resolution 2022-03

WHEREAS, William and Carolyn Fox, (Applicant and Owner), submitted an application on April 5, 2022 seeking a Special Use Permit for an accessory Structure with a footprint greater than 3,000 square on a 496-acre parcel, #455702400080 in the (F) Forestry, Agriculture and Open Zone District, located in Norwood (at 7725 County Road 44Z S), and more particularly described as shown on Exhibit A Legal Description; and

WHEREAS, the application for an Accessory Structure with a footprint greater than 3,000 square feet was referred to the County Manager, County Attorney, San Miguel County Building Official, San Miguel County Site Inspector, Colorado Parks and Wildlife, Norwood Fire Protection District, Gurley Lake Ranches HOA, San Miguel County Natural Resources and Special Projects Director, and San Miguel County Road and Bridge for review and comment; and

WHEREAS, as required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, April 27, 2022; and

WHEREAS, as required by C.R.S. § 24-65.5-103(1), a Public Notice was mailed to all property owners within 500 feet of the proposed special use, and the required posting was completed by William Fox on April 20, 2022; and

WHEREAS, the Planning Commission conducted a site visit and considered this application, along with relevant evidence and testimony, at a public hearing in Norwood on Thursday, May 12, 2022.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission of San Miguel County, Colorado, approves the Special Use permit for an Accessory Structure with a footprint greater than 3,000 square feet, 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 5-307 D., Uses Allowed Subject to a One-Step Planning Commission; Section 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 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.

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

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on May 12, 2022.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____
Lee Taylor, Chair

Vote:	Lee Taylor	Aye	Nay	Abstain	Absent
	Pamela Hall	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT A: Legal Descriptions

EXHIBIT B: Public Meeting Record list

EXHIBIT C: Site plan

[Z:\Applications\2022_ Fox One Step Horse Arena\1 Staff Memo(s) and Resolution(s)]

EXHIBIT A

LEGAL DESCRIPTION

Parcel #: 455702400080

A PORTION OF SEC 2 T43N R13W NMPM AND A PORTION OF SEC 35 T44N R13W
NMPM ACC TO WARRANTY DEED AT 343326 REC AUG 21 2001

EXHIBIT B

Public Meeting Record

County Planning Commission

Application: William and Carolyn Fox

Special Use Permit: An Accessory Structure with a footprint greater than 3,000 square in the Forestry, Agriculture and Open (F) Zone District

Date: March 12, 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 Troy Hangen, Senior Planner dated May 12, 2022.
4. Draft Resolution of the County Planning Commission, San Miguel County, Colorado, Resolution 2022-03, Approving a Special Use Permit For an accessory Structure with a footprint greater than 3,000 square feet in the Forestry, Agriculture and Open (F) Zone District.
5. Application submitted by William and Carolyn Fox dated April 5, 2022.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated April 20, 2022.

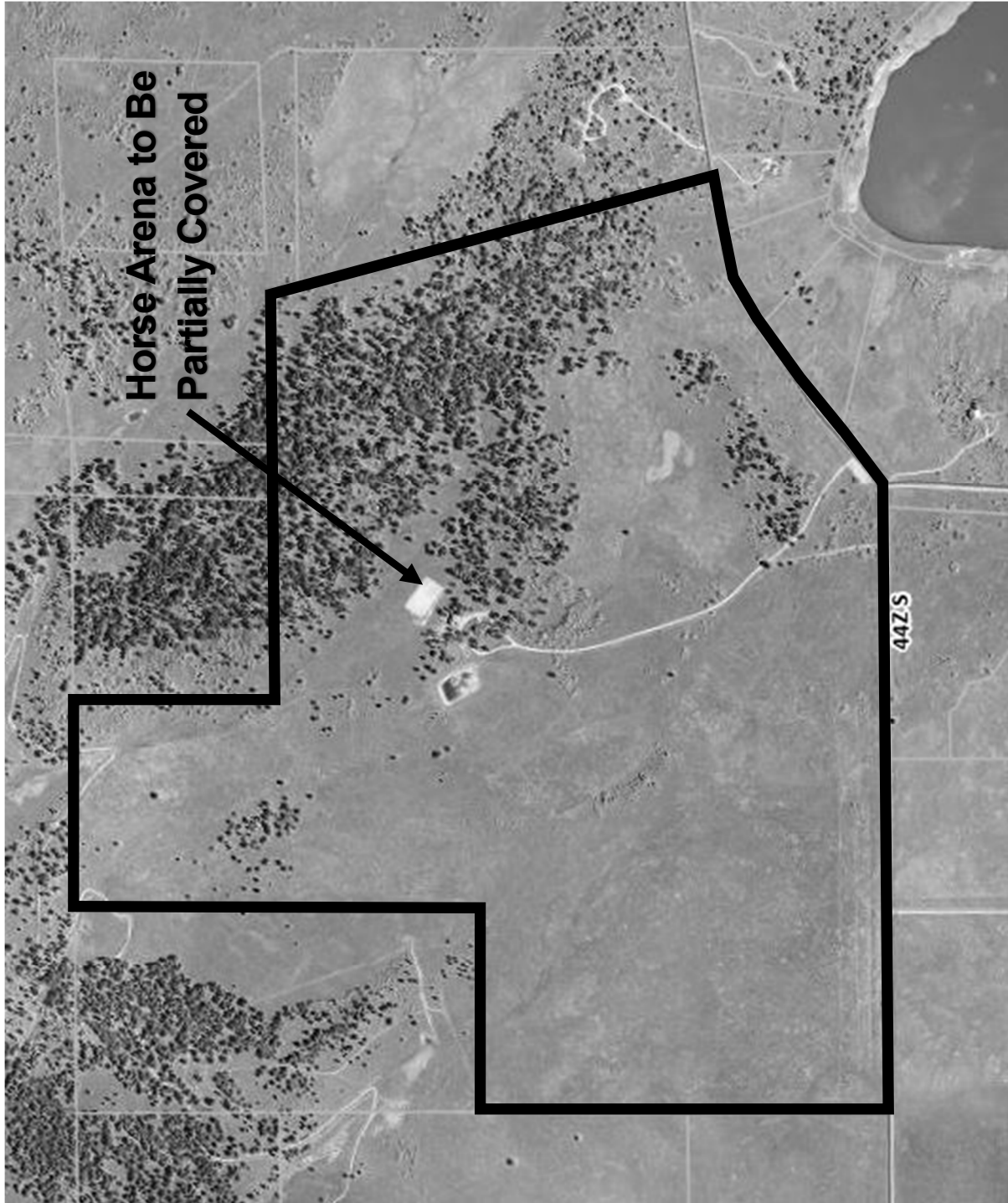
AGENCY COMMENTS

7. Email to Review Agencies from Troy Hangen, Senior Planner dated April 11, 2022.
8. Email from Amy Markwell, County Attorney to Troy Hangen, Senior Planner, received April 14, 2022.
9. Email from Matt Gonzales, Building Official to Troy Hangen, Senior Planner received April 26, 2022.
10. Email from Starr Jamison, San Miguel County Natural Resources and Special Projects Director, to Troy Hangen, Senior Planner received May 2, 2022.
11. Email from Mark Caddy – Colorado Parks and Wildlife to Troy Hangen, Senior Planner dated May 5, 2022

PUBLIC COMMENTS

NONE

Exhibit C - Site Plan



William & Carolyn Fox
7725 County Road 44ZS
Norwood, CO 81423
617-699-7126 (Carolyn Cell)
cesfox@mindspring.com / William_w_fox@yahoo.com

Mailing address: PO Box 2703, Telluride, CO 81435

Date: April 3, 2022

Job: Horse Arena at Fox Residence, 7725 County Road 44Z S, Norwood, CO 81423

Subject: Special Use Permit Application for Horse Riding Arena with One-step Planning Commission review per Land Use Code 3-501 A.1. The SUP is considered pursuant to Land Use Code Section 5-307 D. XII.

TO: San Miguel County Planning Department

Project Narrative:

We own the property at 7725 County Road 44Z S and are seeking to build an covered horse riding arena over a portion of an existing outdoor horse riding arena. Details on parcel ID, Zone district, etc. are included with the attached Development Permit Application form. Because the structure has a footprint greater than 3,000 sq ft, we require a permit.

The location is quite a distance from the nearest neighbors and may only be visually seen by the neighbor who owns 80 acres to the South of the property. Within roughly a half mile from the proposed structure, our property abuts a neighbor to the South, the National Forest (small part of our line abuts the Forest) and another 40 acre lot that we also own.

The structure will be approximately 12,000 sq. ft, or 80' x 150' and will cover about 1/3rd of the existing riding arena, which is located within a larger fenced in field. It will provide a roof that will allow cooler temperatures for horseback riding in the summer, and allow for winter horseback riding on the arena due to protection from snow. The structure is mainly a roof with open sides. The roof is a white, flexible material covering a steel structure and will be 28 ft high at peak. It will be located relatively close to the existing barn and garage so horses will just walk a short distance to/from the barn over the existing property. It would be used during daylight hours.

There will be no lighting, water or sewage associated with the structure.

Please see additional engineering plans for the structure. Please see attached plots, etc. showing location of the structure.

We appreciate your consideration.

Best Regards,
Carolyn & Will Fox

DEVELOPMENT PERMIT APPLICATION

SAN MIGUEL COUNTY - PLANNING DEPARTMENT

P.O. Box 548, Telluride, CO 81435

Phone (970) 728-3083

www.sanmiguelcountyco.gov

COUNTY AND STATE CODES COMPLIANCE VERIFICATION AND DEVELOPMENT PERMIT

PERMIT #	
RECEIVED	
PAID	
APPLICATION FEE:	\$100
If => \$1M project value or HCA	\$500
renewable energy only	\$ 0

Compliance with applicable County Land Use Code and State codes criteria must be verified by the Planning Director prior to consideration of applications for building permits. **ATTACH TWO COMPLETE SITE AND ACCESS PLANS, INCLUDING ROAD DIMENSIONS, BUILDING ENVELOPE, SETBACKS, FLOOR PLANS, AND PLACEMENT OF UTILITIES. PLEASE ALSO SUBMIT A COMPLETE SET OF ELECTRONIC FILES. PLEASE CONTACT THE BUILDING DEPARTMENT FOR ADDITIONAL INFORMATION THAT MAY BE REQUIRED.**

APPLICANT SHALL COMPLETE:

email: Cesfox@mindspring.com

Carolyn and Will Fox
Property Owner

Phone

P.O. Box 2703, Telluride, CO 81435
Mailing Address/City/State/Zip Code

617-699-7126

Cell Phone

7725 CR 442S, Norwood, CO 81423
Property Address

455702400080
12-Digit Parcel ID Number

T44N13W/T43N13W
Zone District

Legal Description, Proof of Ownership and Authorization (required if Applicant is not Owner), must be Attached

Existing Use(s) Residential/Equine

Lot Size - Acres or Square Feet 496 acres

Proposed Use(s) (Specific To Project) Equine Covered Riding

Existing Outdoor Arena
Existing sq. ft. 376,000 or 120x300'
SF

Arena over existing outdoor arena

Proposed sq. ft. 12,000 or 80x150'

Retaining Wall Height 0 (4'+) Accessory Structure sq. ft. 0 (200FT²)

Proposed Bldg. Height 28ft at peak with 5/12 pitch

Fence Height 0 (6'+) Greenhouse sq. ft. 0 (500FT²)

of Parking Spaces N/A

Proposed Setbacks: Front _____ R Side _____ L Side _____ Rear _____

Proposed Water Supply N/A

Proposed Sewage Disposal System N/A

Existing Solid-fuel Burner N/A

Proposed Solid-fuel Burner N/A

Demolition (Interior or Exterior) N/A

All Demolitions require a State Demolition Permit

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of County and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the Board of County Commissioners and all information requested by this document. I also understand that if I violate any applicable provisions of County and/or State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the County, including moving or removing structures and ceasing of construction and/or uses.

Carolyn Fox

Owner's Name/Owner's Representative Name

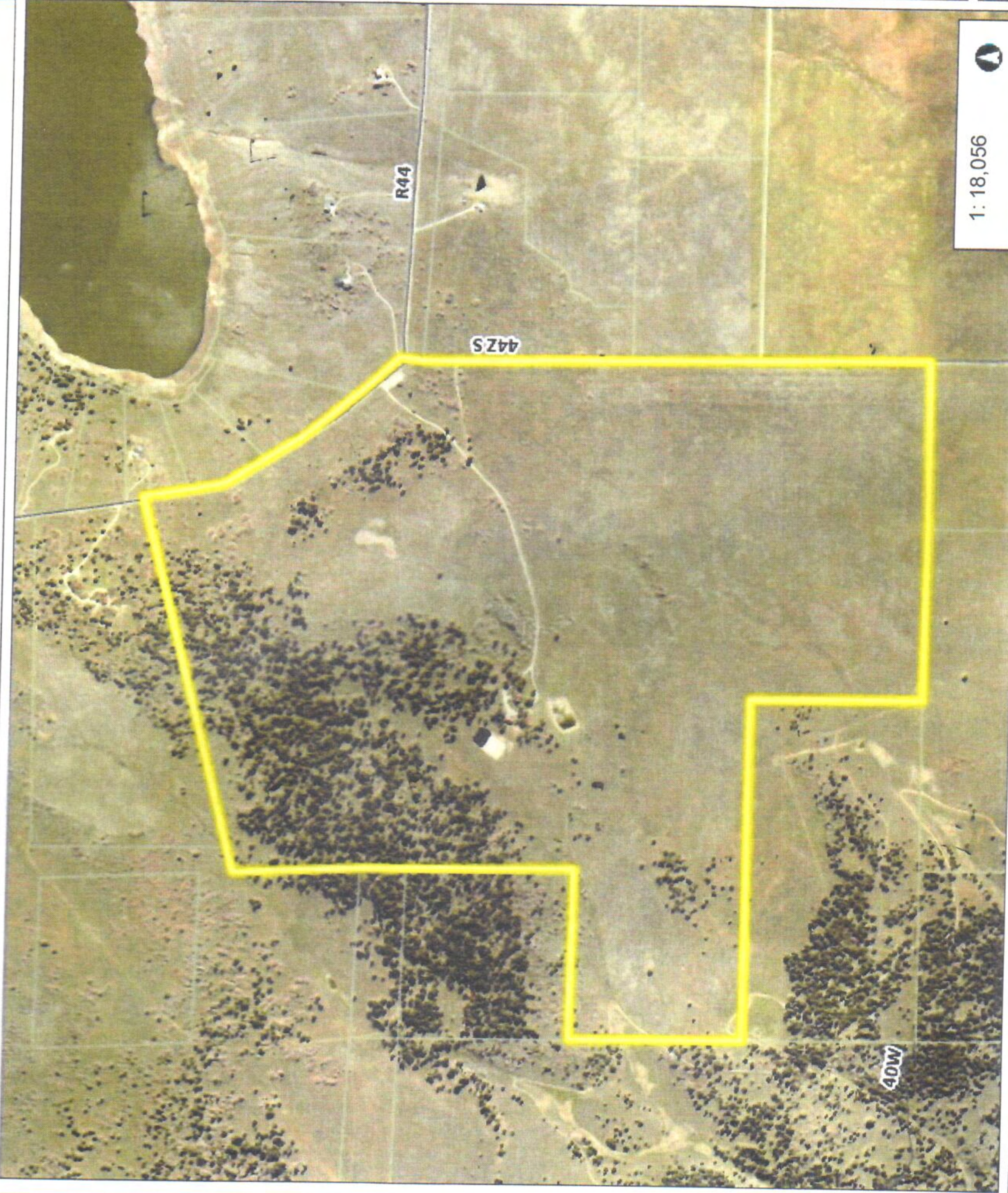
617-699-7126
Phone Number

C. Fox

Signature of Applicant

3-31-22
Date

IN ORDER TO PROCESS YOUR APPLICATION IN A TIMELY MANNER
ALL INFORMATION ABOVE MUST BE COMPLETED PRIOR TO SUBMITTAL



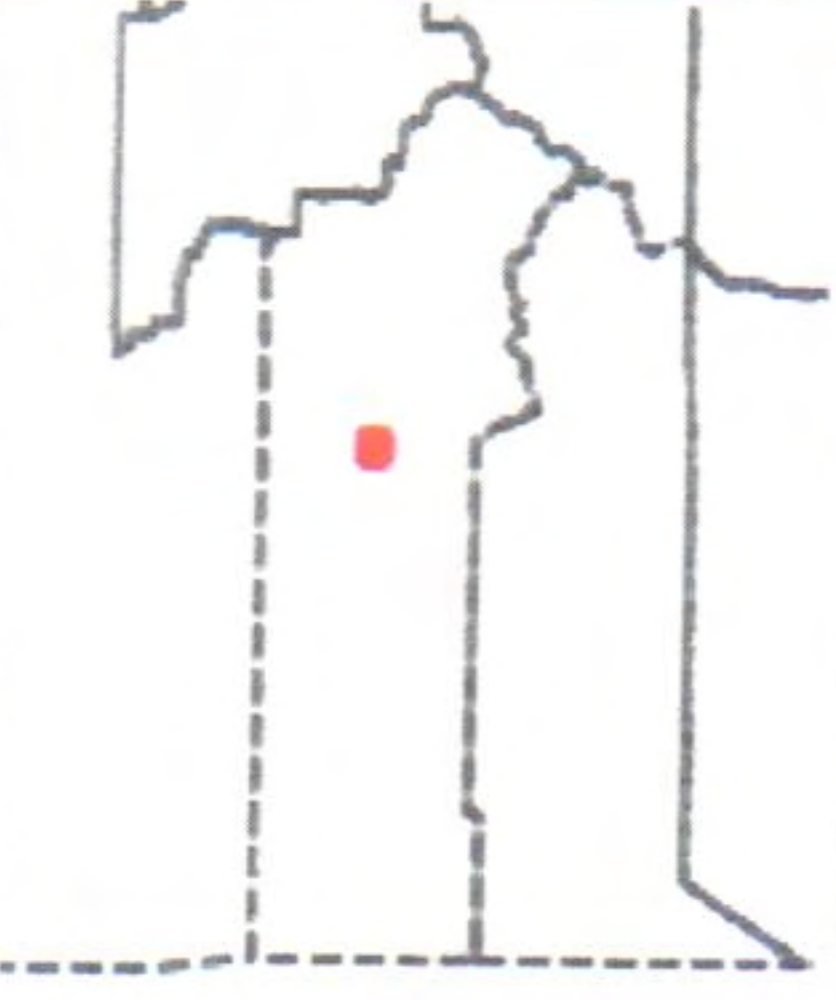
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

www.sanmiguelcountyco.gov



Legend

- Road
- County Boundary
- Town Boundary
- Tax Parcels cache

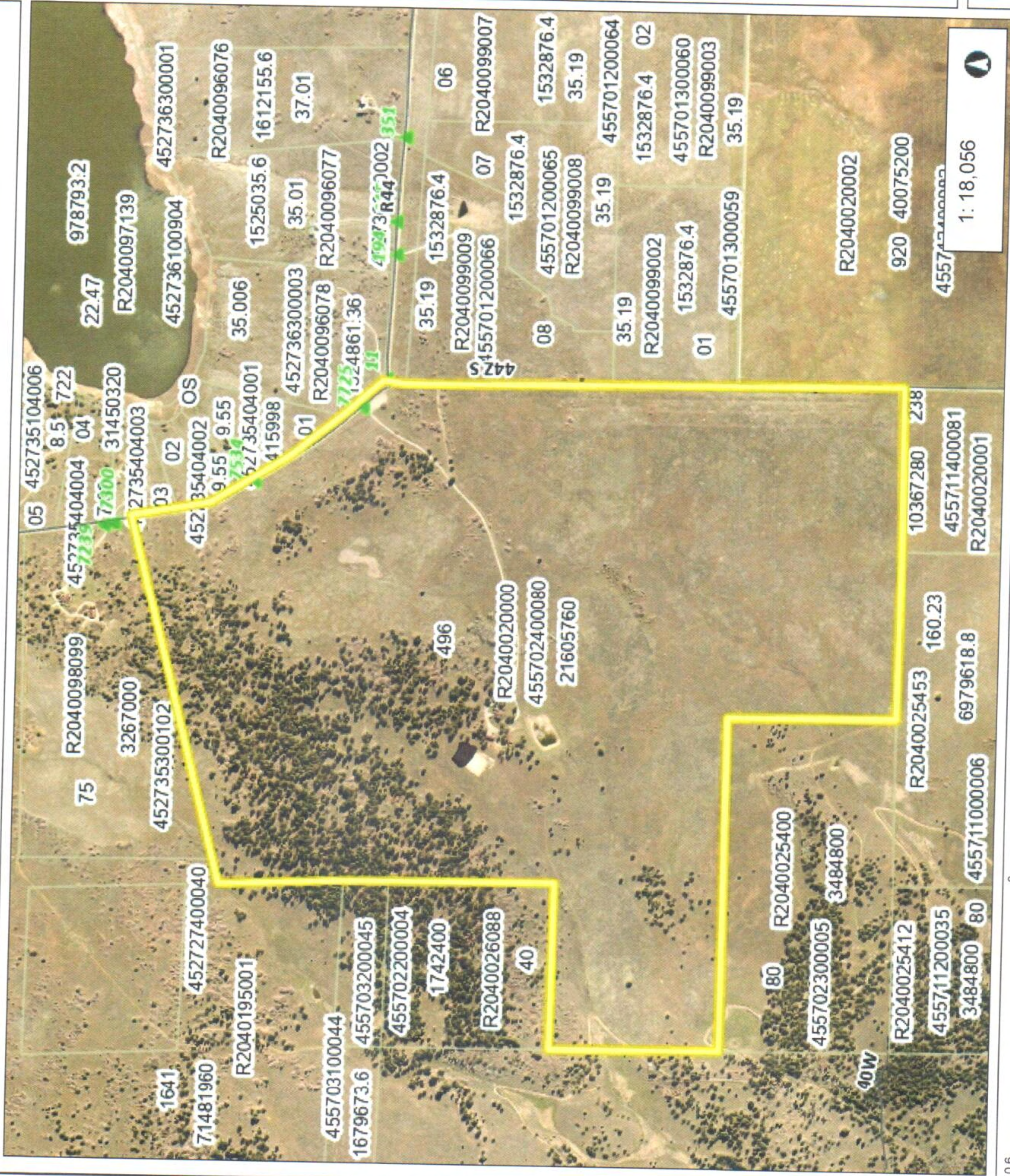
- Proposed covered arena area 150ft x 80ft

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Notes



San Miguel County, Colorado
Map Viewer



- proposed Covered
arena - 150ft
x
80ft

Legend

- Road
- Driveway (address)
- County Boundary
- Town Boundary
- Parcel Acres Label
- Tax Parcels cache

Map Generated
3/25/22 11:13 AM

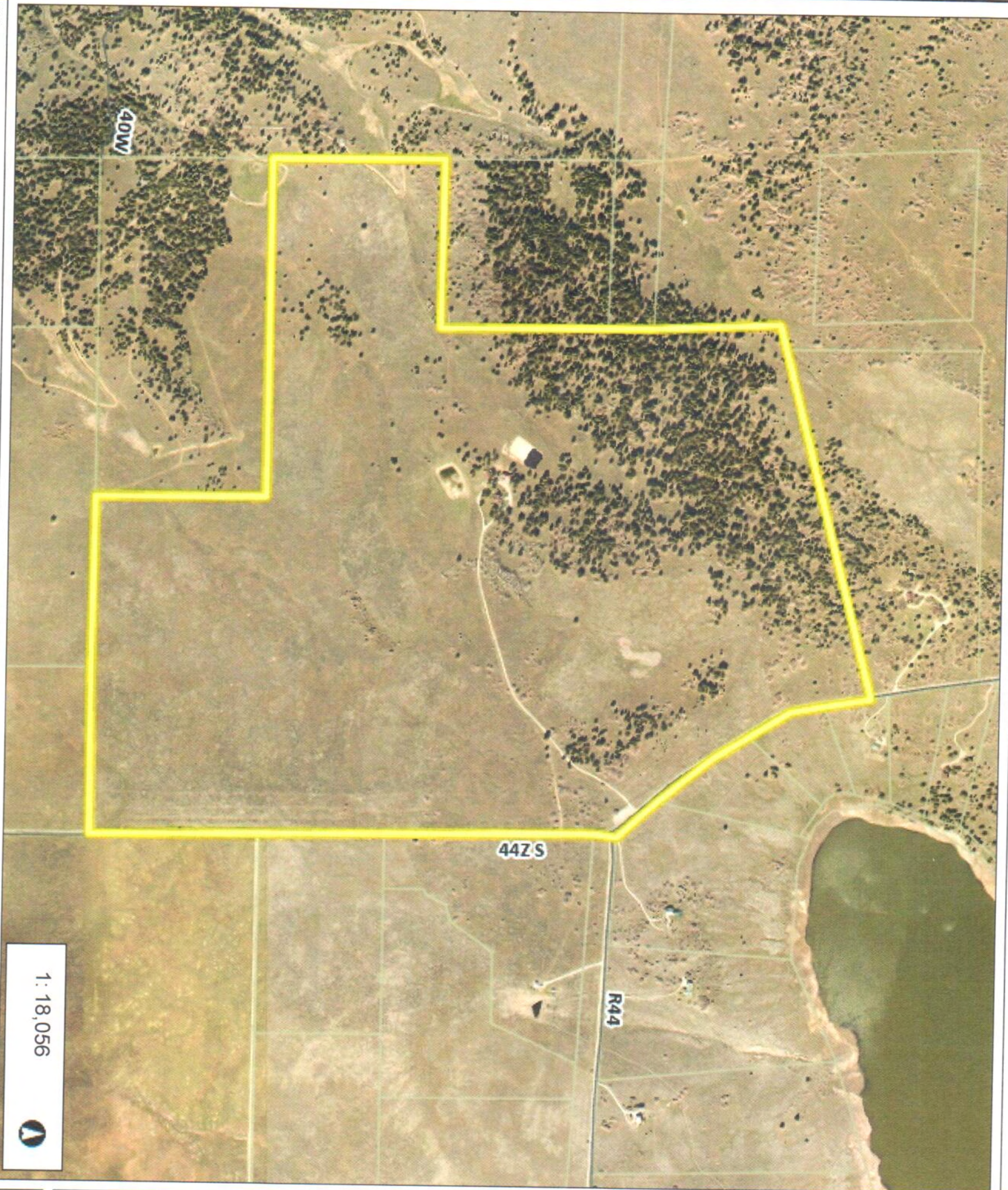
Notes

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San Miguel County, Colorado
Map Viewer



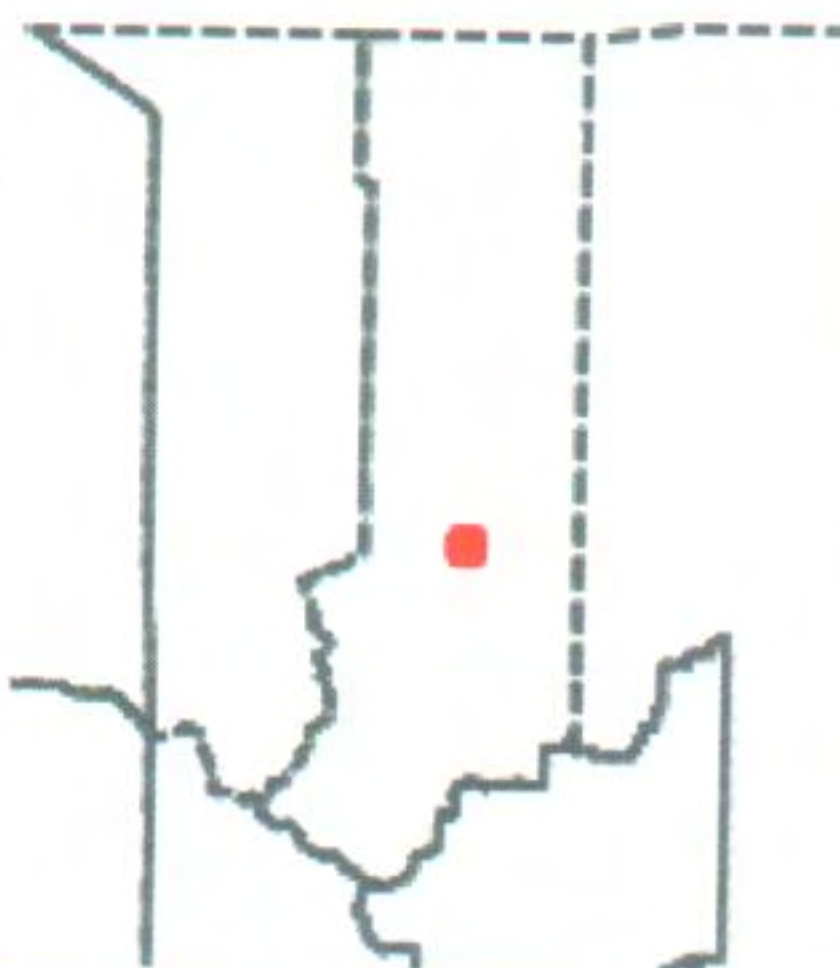
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Legend

- Road
- County Boundary
- Town Boundary
- Tax Parcels cache

 - Proposed covered arena area 150ft x 80ft

Map Generated
3/25/22 11:06 AM

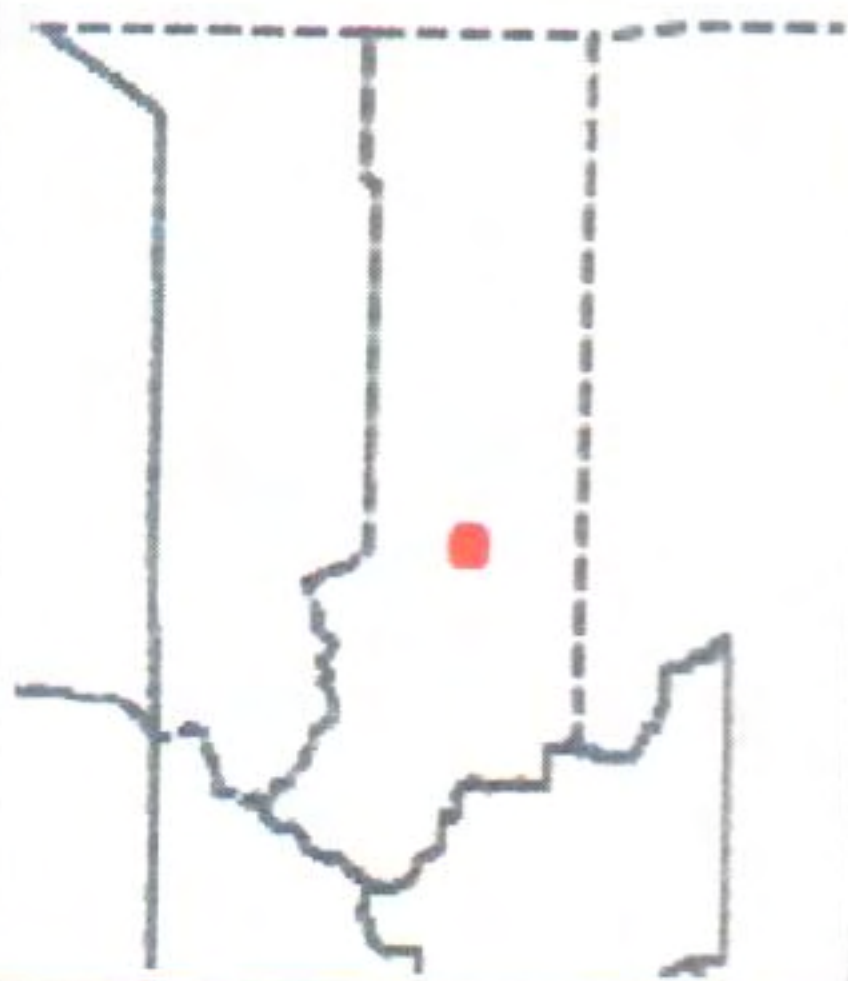
Notes



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Legend

- Road
Driveway (address)
County Boundary.
Town Boundary
Parcel Acres Label
Tax Parcels cache

-proposed covered
arena - 150ft
x
80ft

Map Generated

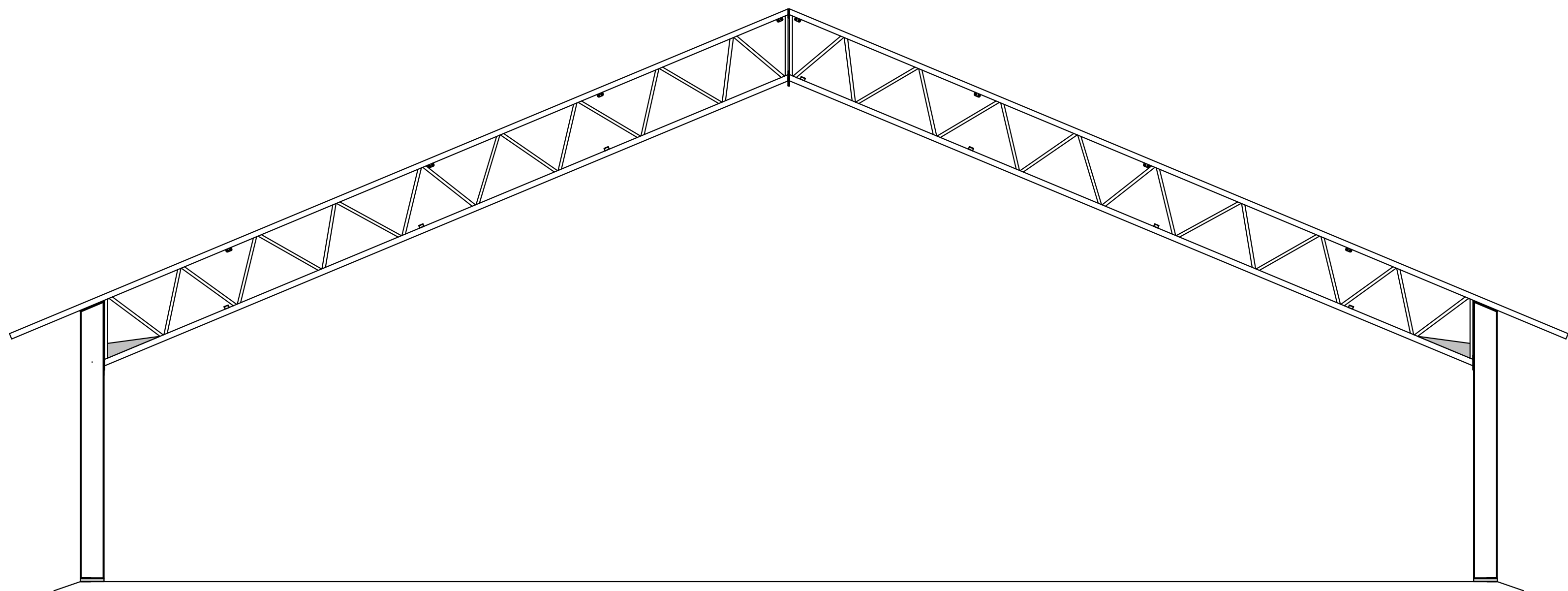
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Notes

80' x 144' TENSION FABRIC BUILDING FOR:

CAROLYN FOX

77725 LONE CONE ROAD,
NORWOOD, CO 81423



SNOW LOAD NOTE:
THE GROUND SNOW LOAD FOR THIS PROJECT WAS
CALCULATED ACCORDING TO THE 2016 COLORADO
DESIGN SNOW LOADS BY SEAC USING EQUATION
1.3 WITH K PARAMETER = 12.9 AND ALTITUDE 8320.

STRUCTURAL DESIGN DATA

1. BUILDING CODE = 2018 INTERNATIONAL BUILDING CODE (IBC)
- RISK CATEGORY = I

2. ROOF LOAD:
- DEAD LOAD = SELF-WEIGHT OF BUILDING COMPONENTS
- COLLATERAL (HANGING) LOAD = 0.5 PSF
- LIVE LOAD, L_r = 5 PSF

3. SNOW LOAD: (ROOF LIVE LOAD MAY CONTROL)
- GROUND SNOW LOAD, P_g = 74 PSF
- FLAT ROOF SNOW LOAD, P_f = 45 PSF
- SNOW EXPOSURE FACTOR, C_e = 0.9
- SNOW LOAD IMPORTANCE FACTOR, I_s = 0.8
- MIN. BALANCED ROOF SNOW LOAD = 38 PSF
- UNBALANCED SNOW WINDWARD = 12 PSF
- UNBALANCED SNOW LEEWARD = 86 PSF FOR 12.8 ft FROM RIDGE, THEN 38.5 PSF
4. LATERAL SOIL LOAD:
- SOIL UNIT WEIGHT = 125 PCF
- AT-REST PRESSURE = 50 PSF/FT.
- ACTIVE PRESSURE = 35 PSF/FT.
- SEE NOTE 1 UNDER FOUNDATION CONSTRUCTION ON GENERAL NOTES PAGE FOR ALLOWABLE SOIL BEARING

5. WIND LOAD:
- BASIC WIND SPEED, V (3-SECOND GUST) = 98 MPH
- WIND IMPORTANCE FACTOR, I_w = N/A
- EXPOSURE CATEGORY = C
- BUILDING ENCLOSURE = OPEN
- INTERNAL PRESSURE COEFFICIENT GC_{pi} = N/A
6. EARTHQUAKE DESIGN DATA (EQUIVALENT LATERAL FORCE PROCEDURE):
- SEISMIC IMPORTANCE FACTOR, I_e = 1.0
- MAPPED SPECTRAL RESPONSE ACCELERATIONS: S_s = 0.262g, S₁ = 0.066g
- SITE CLASS = D
- SPECTRAL RESPONSE COEFFICIENTS: S_{ds} = 0.28, S_{d1} = 0.11
- SEISMIC DESIGN CATEGORY = B
- SEISMIC FORCE-RESISTING SYSTEM (TRANSVERSE) = STEEL ORDINARY MOMENT FRAMES
- SEISMIC FORCE-RESISTING SYSTEM (LONGITUDINAL) = STEEL ORDINARY CONCENTRICALLY BRACED FRAMES
- DESIGN BASE SHEAR = 1.2k (0.7E FOR ASD LOAD COMBINATIONS, 1.0E FOR LRFD LOAD COMBINATIONS)
- SEISMIC RESPONSE COEFFICIENT, C_s = 0.09
- RESPONSE MODIFICATION FACTOR, R = 3.25 (TRANSVERSE), 3.25 (LONGITUDINAL)

7. CONCRETE MASONRY DESIGN METHOD:
DESIGN PER ASD
LOADS INDICATED ARE ASD LOADS

8. CONCRETE DESIGN METHOD:
DESIGN PER LRFD
LOADS INDICATED ARE ASD LOADS

9. STRUCTURAL STEEL DESIGN METHOD:
DESIGN PER ASD
LOADS INDICATED ARE ASD LOADS

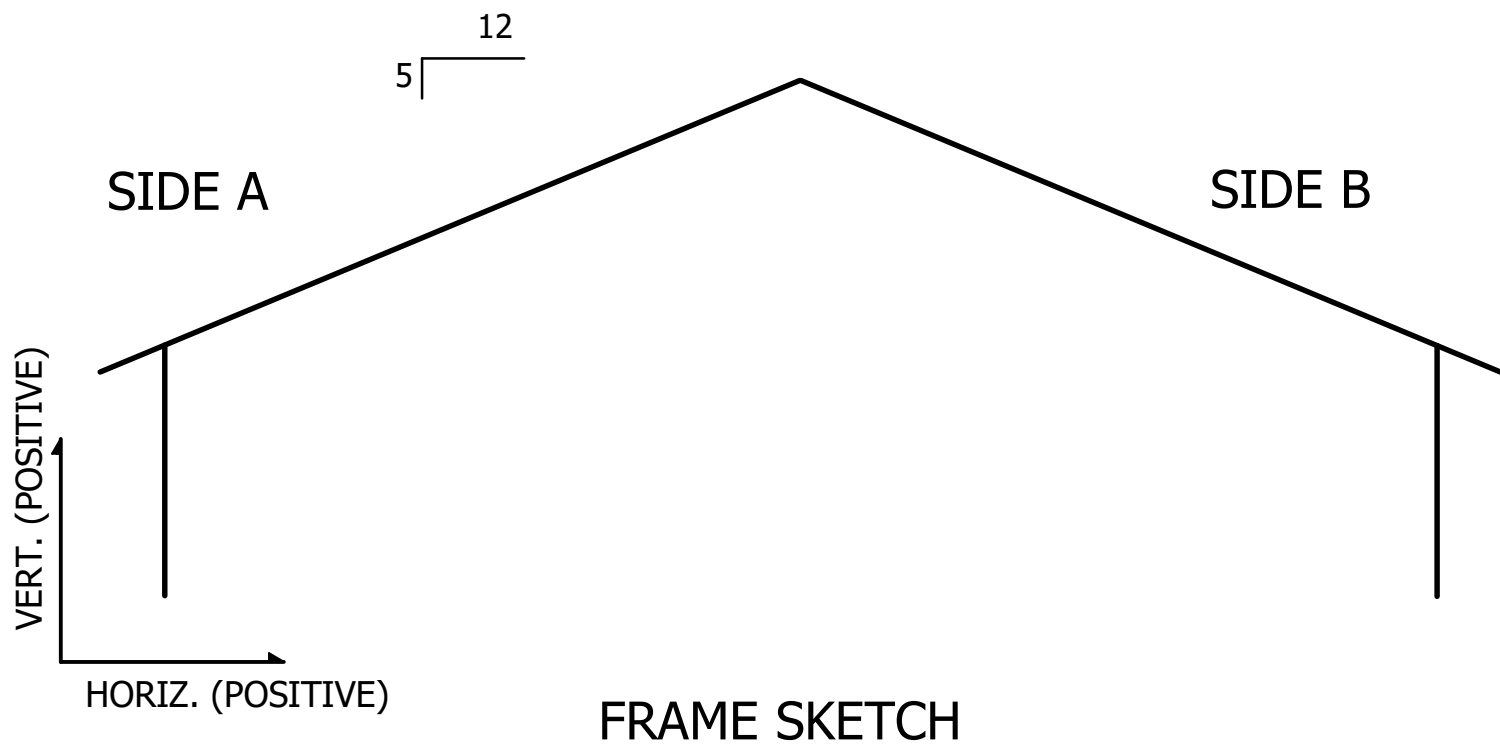
10. WOOD FRAMING DESIGN METHOD:
DESIGN PER ASD
LOADS INDICATED ARE ASD LOADS

BUILDING MANUFACTURER:
WECOVER STRUCTURES INC.
22694 VICTORIA ROAD,
THAMESVILLE, ON N0P 2K0

DRAWING INDEX:

- S1 - TITLE PAGE
- S2 - ROOF BRACING PLAN
- S3 - TRUSS CROSS SECTION
- S4 - PLATES AND CONNECTIONS
- S5 - PLATES AND CONNECTIONS
- S6 - PLATES AND CONNECTIONS
- S7 - END WALL ELEVATION
- S8 - END WALL ELEVATION
- S9 - SIDE WALL BRACING
- S10 - GENERAL NOTES
- F1 - FOUNDATION PLAN

THE INTENT OF THIS DRAWING SET IS TO CONVEY THE BUILDING GEOMETRY, DESIGN CRITERIA, STRUCTURAL DETAILS AND SPECIFICATIONS. FINAL DETAILING OF PLATES AND MEMBERS FOR THIS BUILDING IS TO BE COMPLETED ON THE SHOP DRAWINGS.



BASE REACTIONS		SIDE A (LEEWARD)				SIDE B (WINDWARD)			
LOAD CASE		HORIZONTAL		VERTICAL		Side B			
		KIPS	KN	KIPS	KN	R _x (kips)	R _x (kN)	R _y (kips)	R _y (kN)
DEAD		1.29	5.74	3.27	14.54	-1.29	-5.74	3.27	14.54
Roof Live		1.71	7.61	3.52	15.66	-1.71	-7.61	3.52	15.66
SNOW: BAL.		13.00	57.82	26.75	118.98	-13.00	-57.82	26.75	118.98
SNOW: UNBAL.		12.50	55.60	28.28	125.79	-12.50	-55.60	16.59	73.79
WIND: PERP, -VE INTERNAL		4.10	18.24	3.88	17.26	-0.47	-2.09	6.59	29.31
WIND: PERP, +VE INTERNAL		-0.44	-1.96	-4.89	-21.75	2.99	13.30	-2.98	-13.26
WIND: PAR, -VE INTERNAL		1.90	8.45	4.36	19.39	-1.90	-8.45	4.36	19.39
WIND: PAR, +VE INTERNAL		-2.29	-10.19	-5.24	-23.31	2.29	10.19	-5.24	-23.31

Vertical reaction force is positive acting upwards
Vertical reaction force is negative acting downwards (due to uplift)
See Frame Sketch for direction of horizontal reaction force
All wind forces are Strength Level

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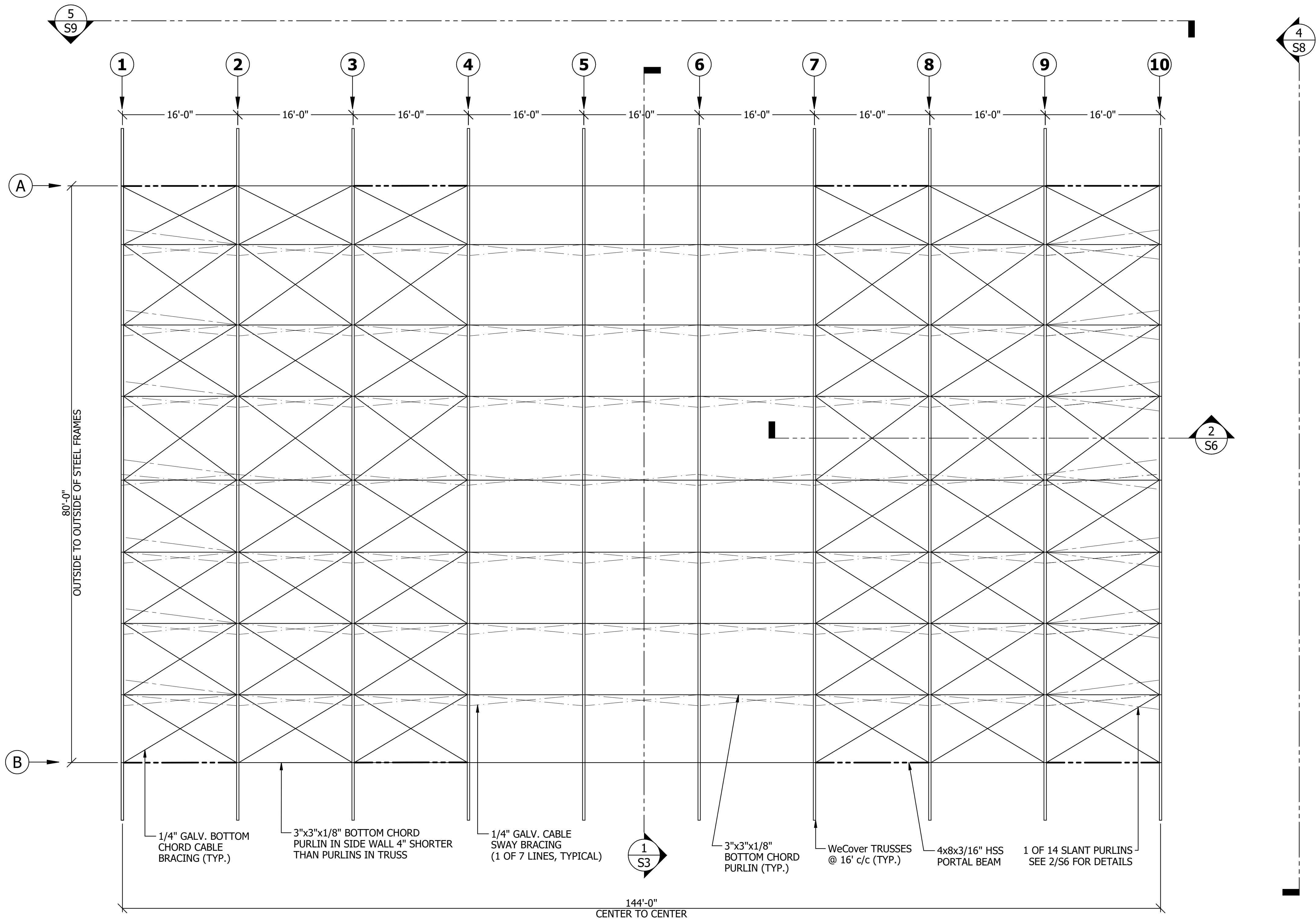
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WECOVER STRUCTURES

PROJECT NAME:
CAROLYN FOX

PROJECT LOCATION:
77725 LONE CONE ROAD,
NORWOOD, CO 81423

PROJECT STATUS & VERSION:
STRUCTURAL DESIGN
DRAWINGS

DRAWN BY: CHRISTIAN	CHECKED BY: BRENT
PAGE DESCRIPTION: TITLE PAGE	
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SHEET NO.	



S2 ROOF BRACING PLAN
SCALE: NTS

ROOF FRAMING LINE LEGEND	
	TRUSSES
	PURLINS
	"X" BRACING
	SWAY BRACING
	SLANT PURLINS
	PORTAL BEAM

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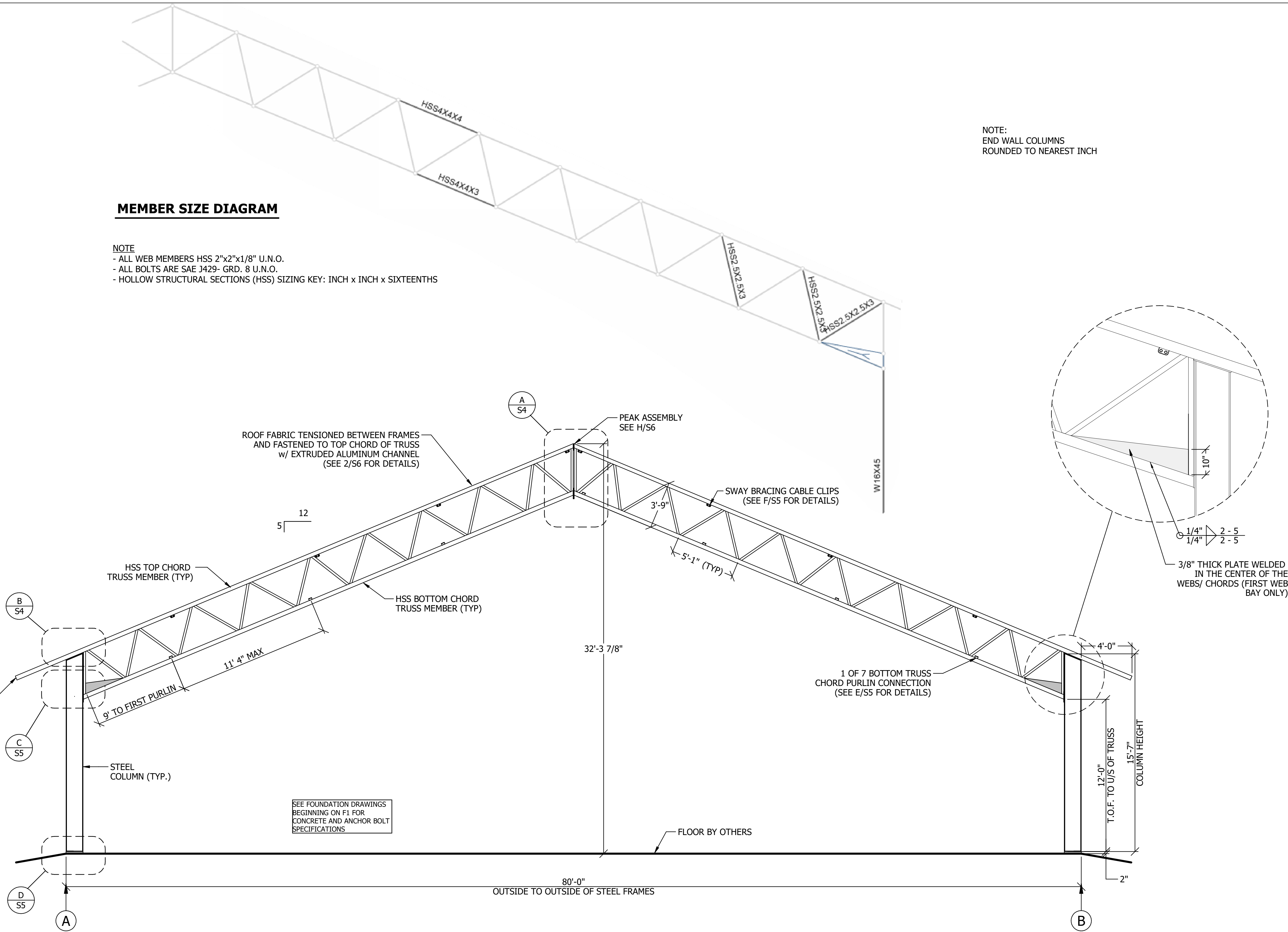
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PROJECT LOCATION:	77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:	STRUCTURAL DESIGN DRAWINGS

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MEMBER SIZE DIAGRAM

NOTE
- ALL WEB MEMBERS HSS 2"x2"x1/8" U.N.O.
- ALL BOLTS ARE SAE J429- GRD. 8 U.N.O.
- HOLLOW STRUCTURAL SECTIONS (HSS) SIZING KEY: INCH x INCH x SIXTEENTHS

NOTE:
END WALL COLUMNS
ROUNDED TO NEAREST INCH

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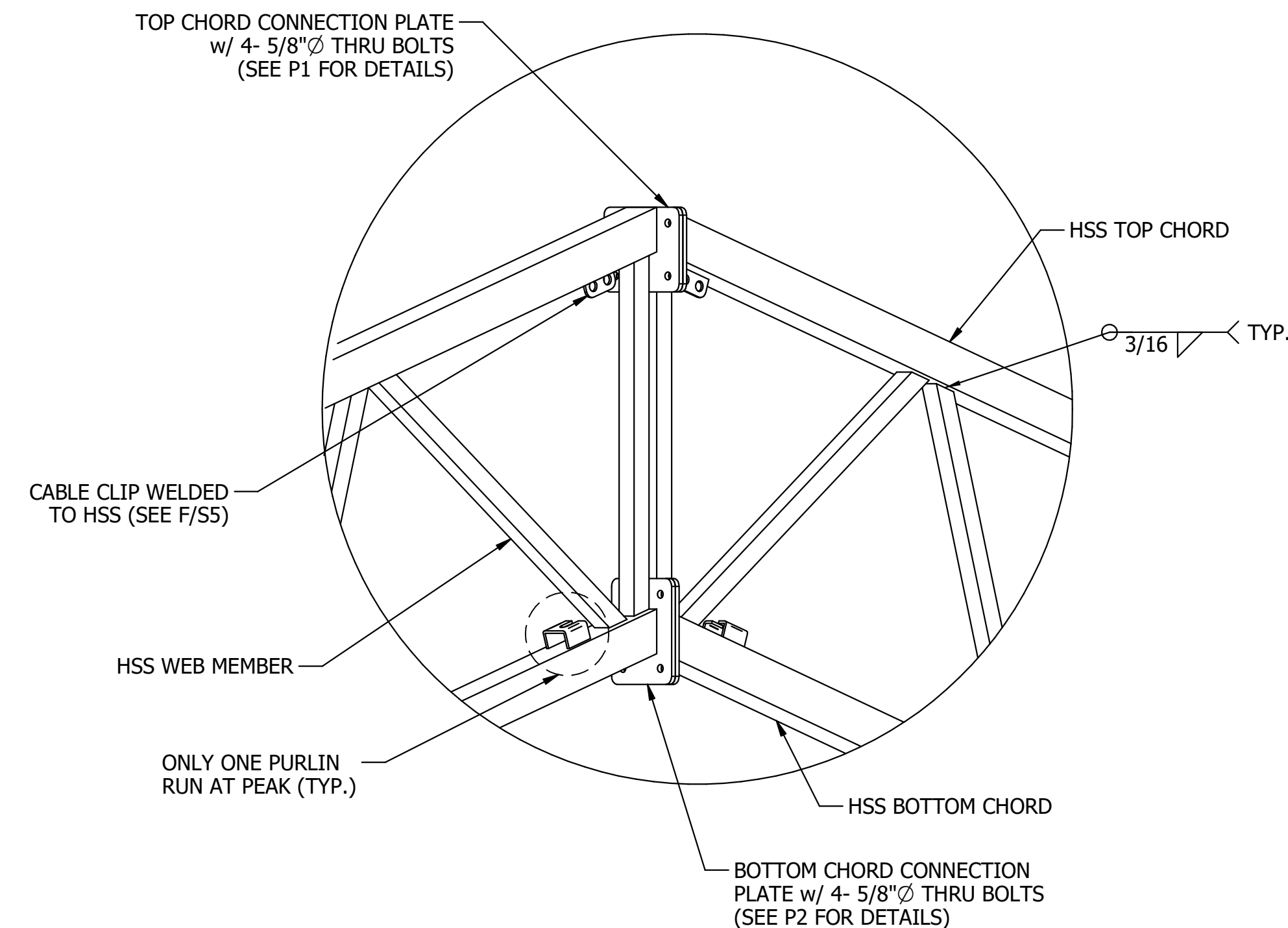
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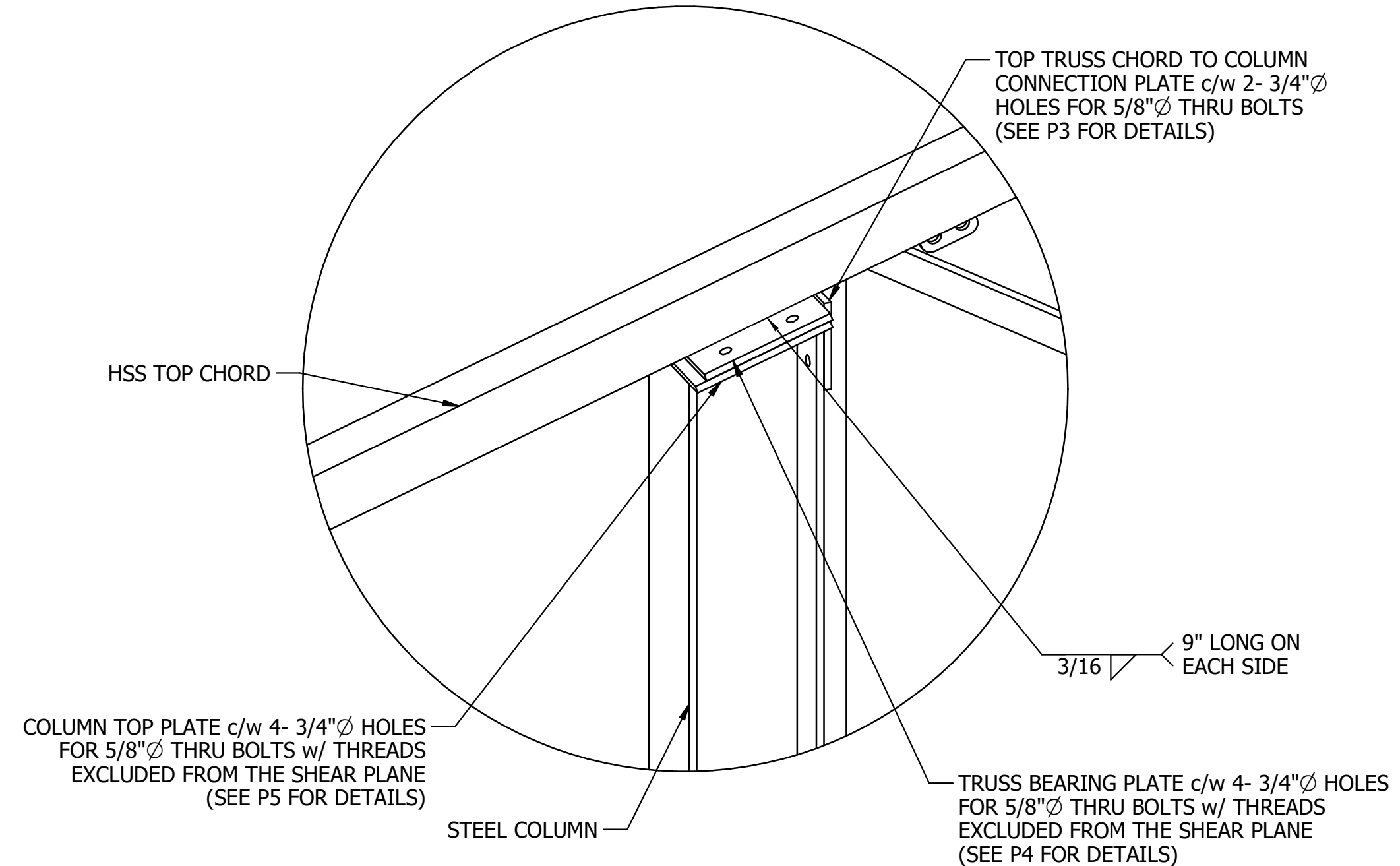
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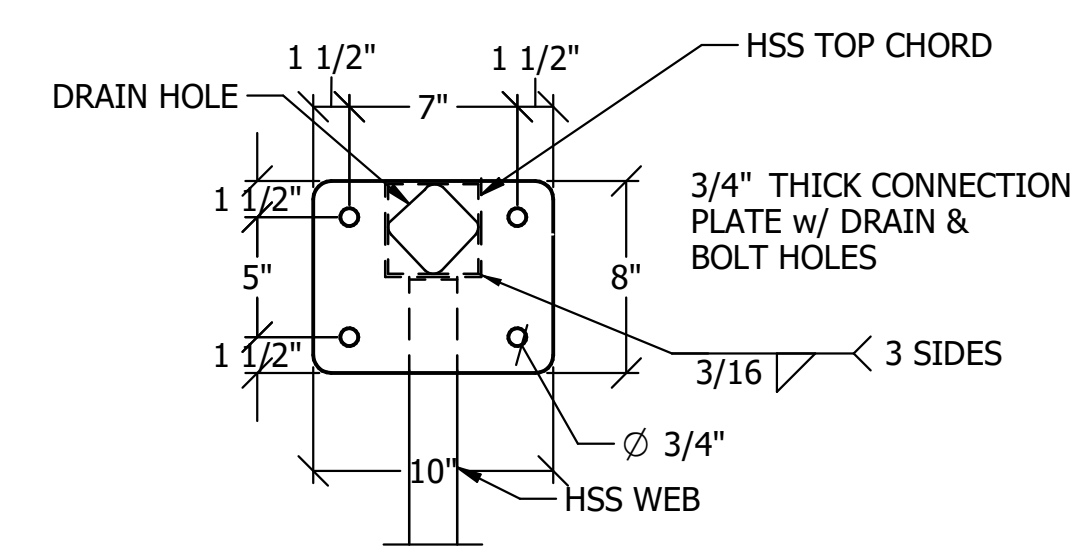
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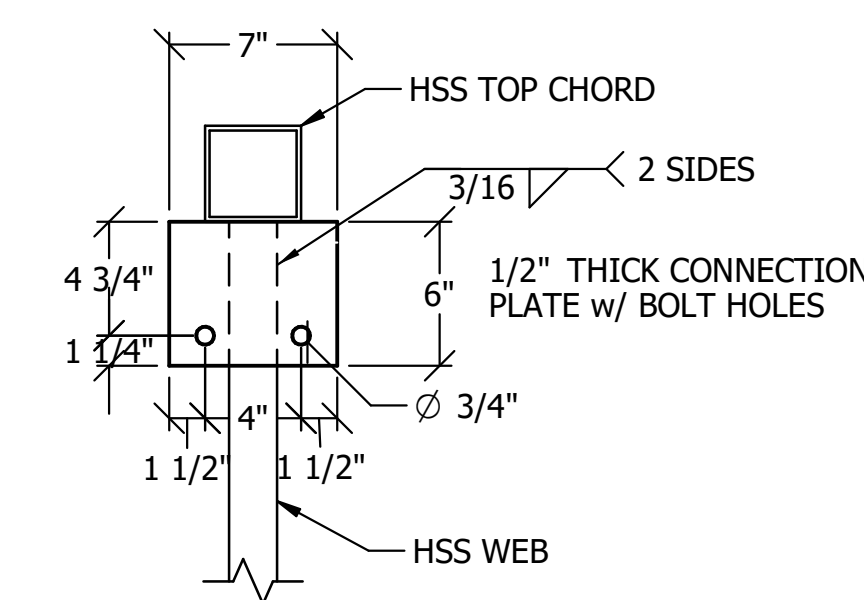
A
S4 **TRUSS PEAK DETAIL**



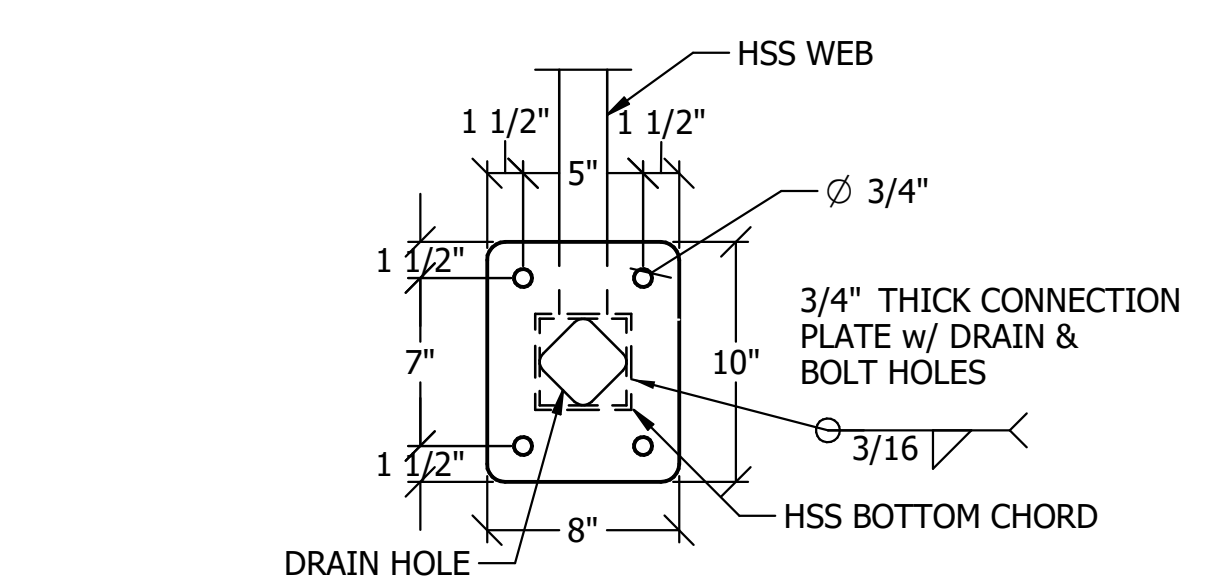
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S4 **TRUSS/COLUMN CONNECTION DETAIL**



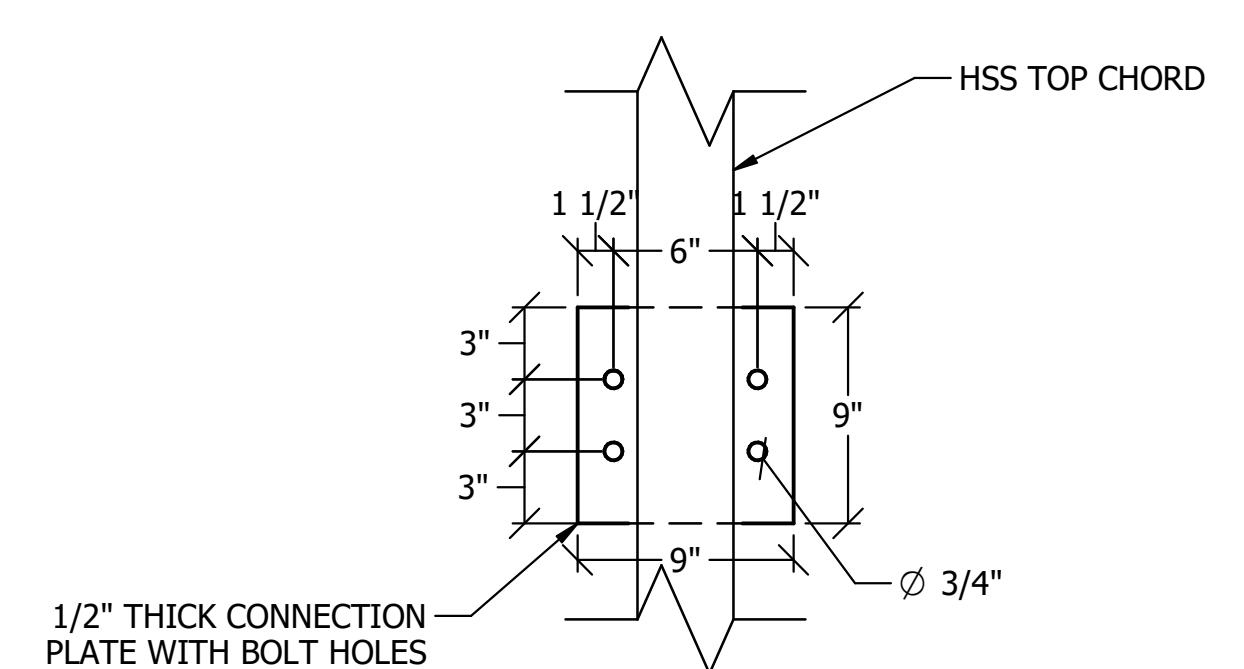
P1 **TOP CHORD CONNECTION PLATE**
@ PEAK - SCALE: 1 1/2"=1'-0"



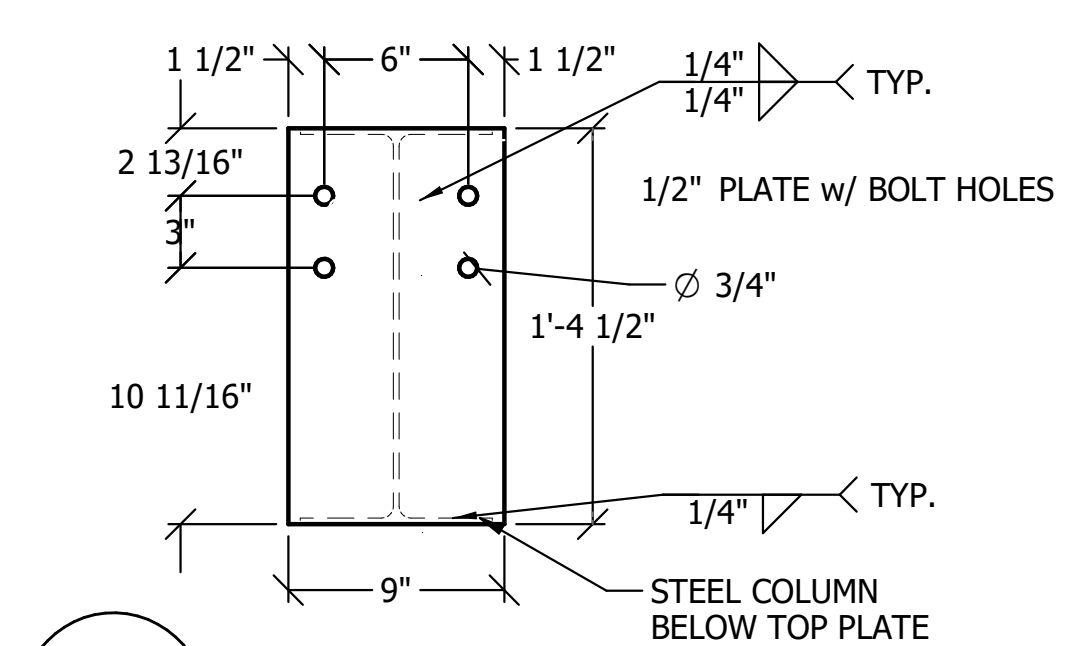
P3 **TOP CHORD TO COLUMN SIDE PLATE**
SCALE: 1 1/2"=1'-0"



P2 **BOTTOM CHORD CONNECTION PLATE**
@ PEAK - SCALE: 1 1/2"=1'-0"



P4 **TOP CHORD TO COLUMN TOP PLATE**
SCALE: 1 1/2"=1'-0"



P5 **COLUMN TOP PLATE**
SCALE: 1 1/2"=1'-0"

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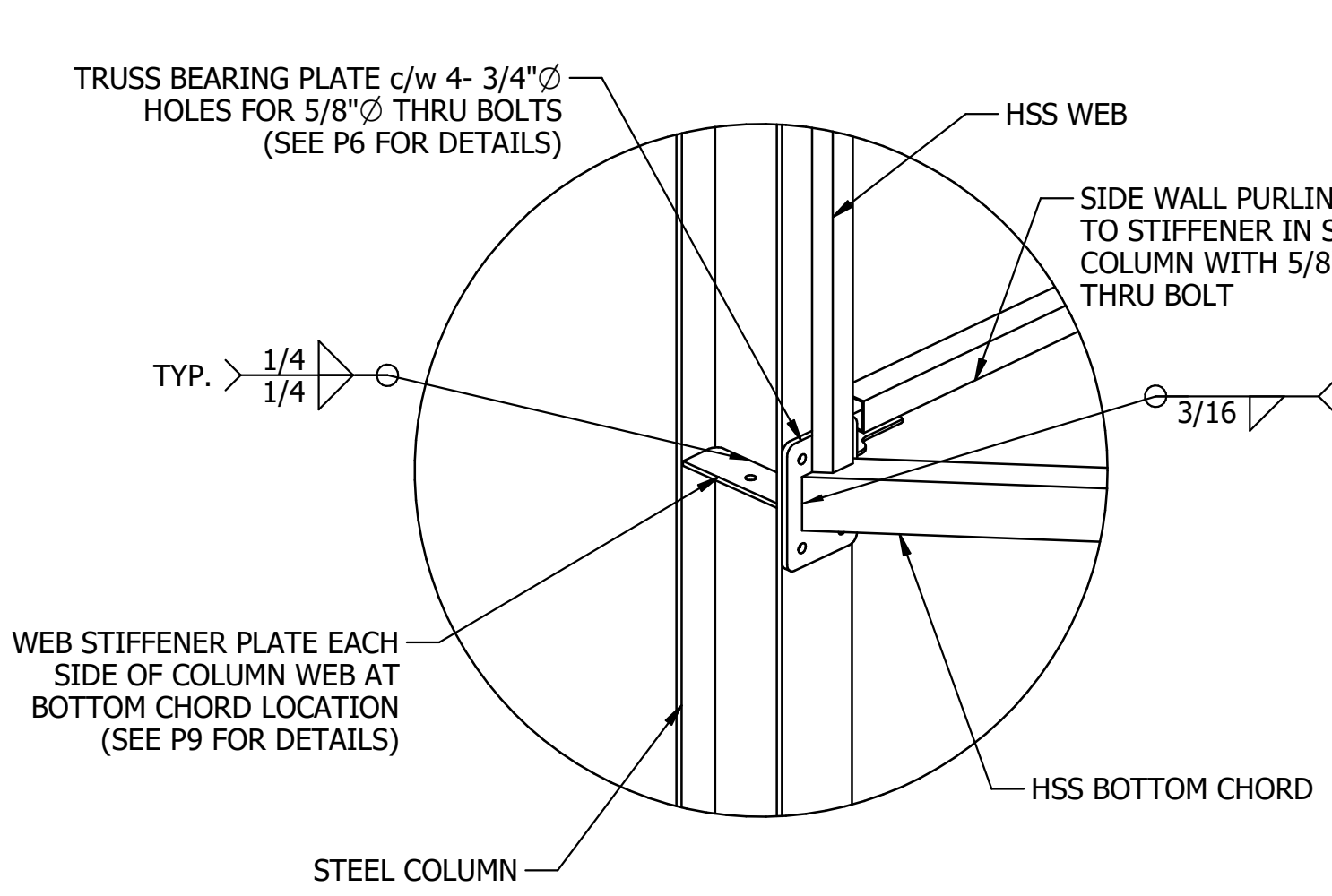
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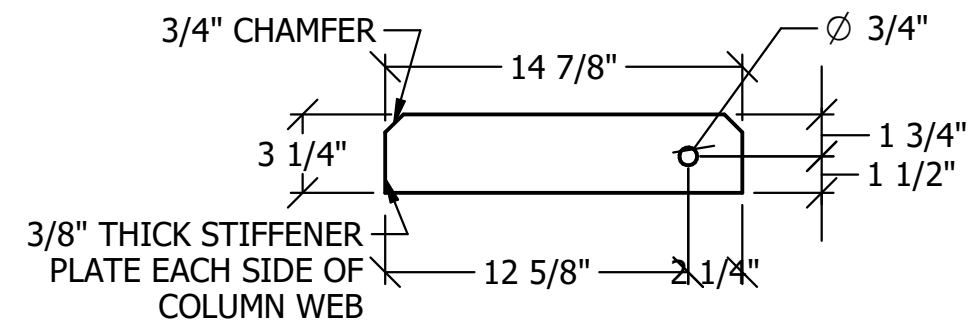
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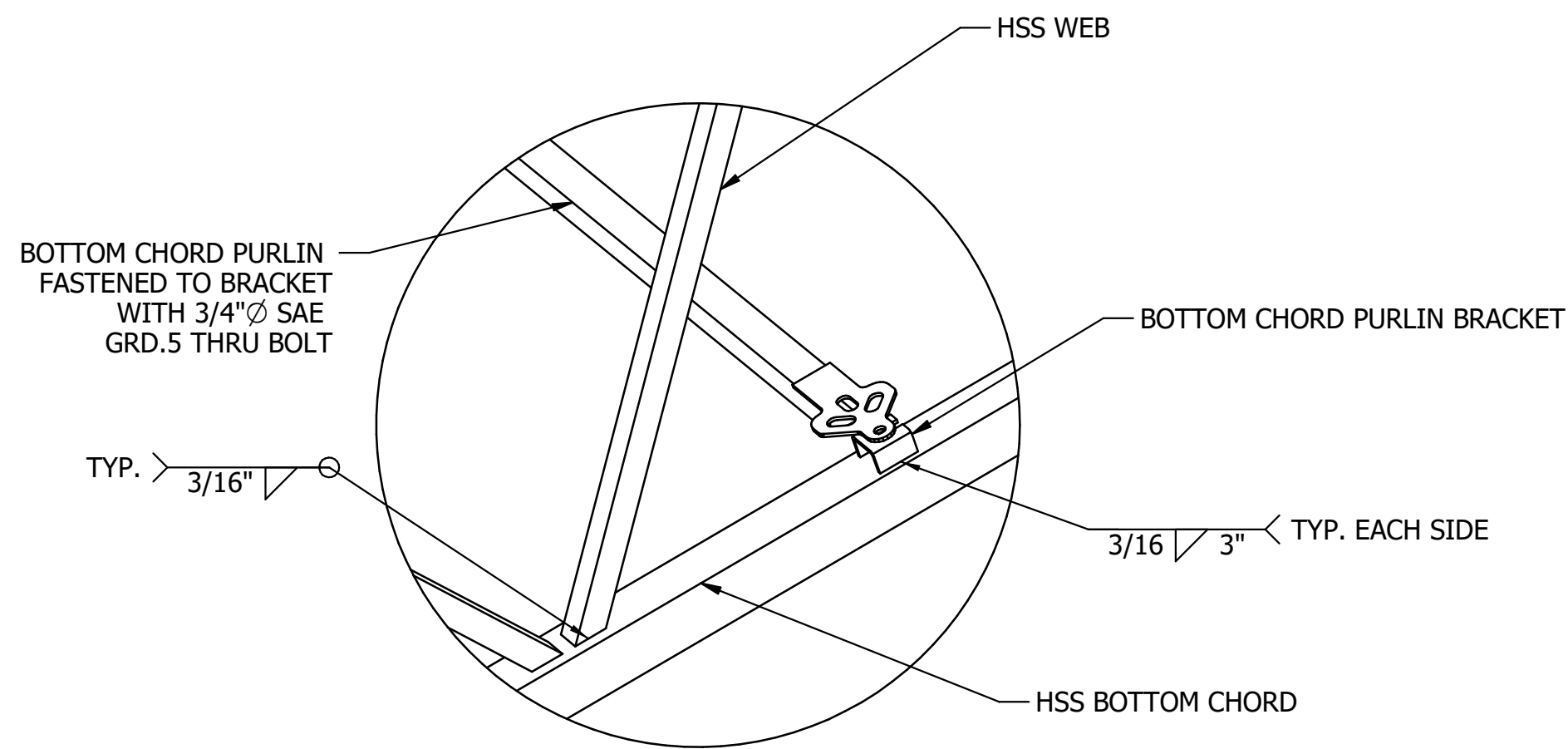
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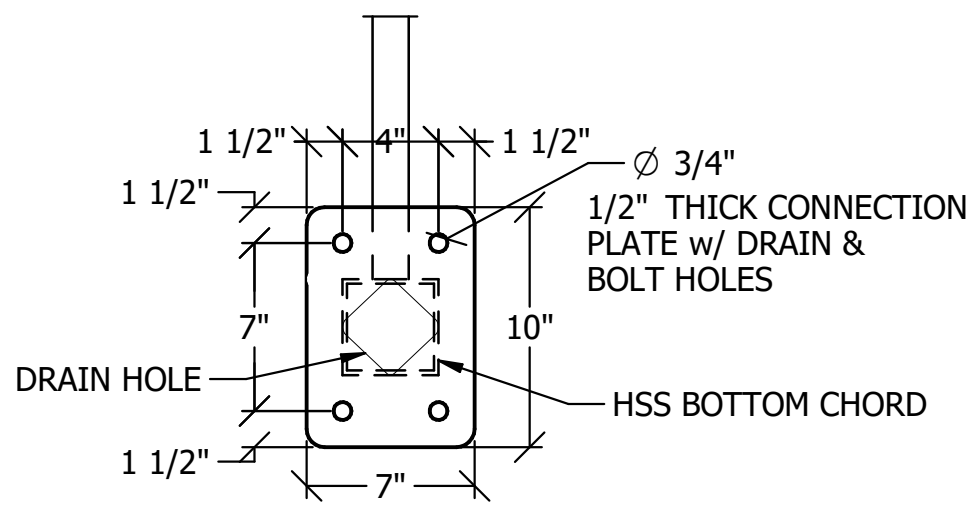
C
S5 **TRUSS HEEL DETAIL**



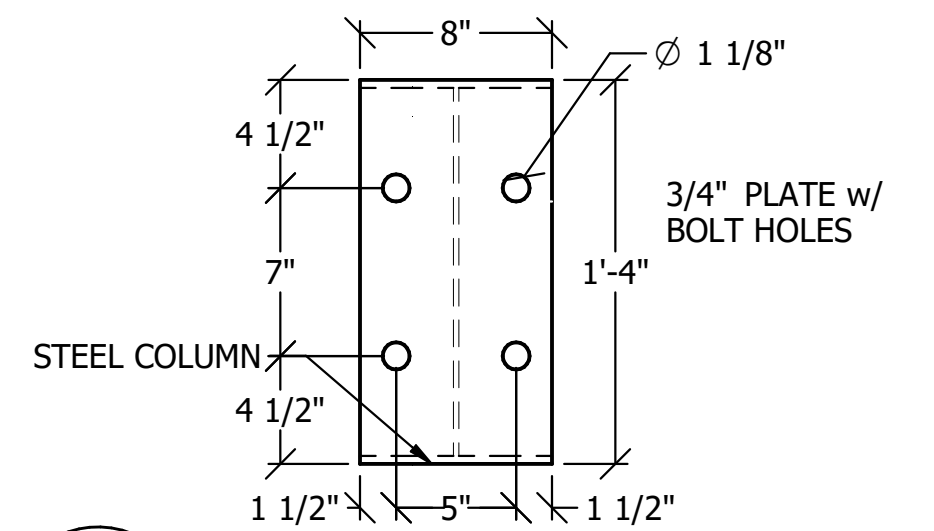
p9 **COLUMN WEB STIFFENER PLATE**
SCALE: 1-1/2"=1'-0"



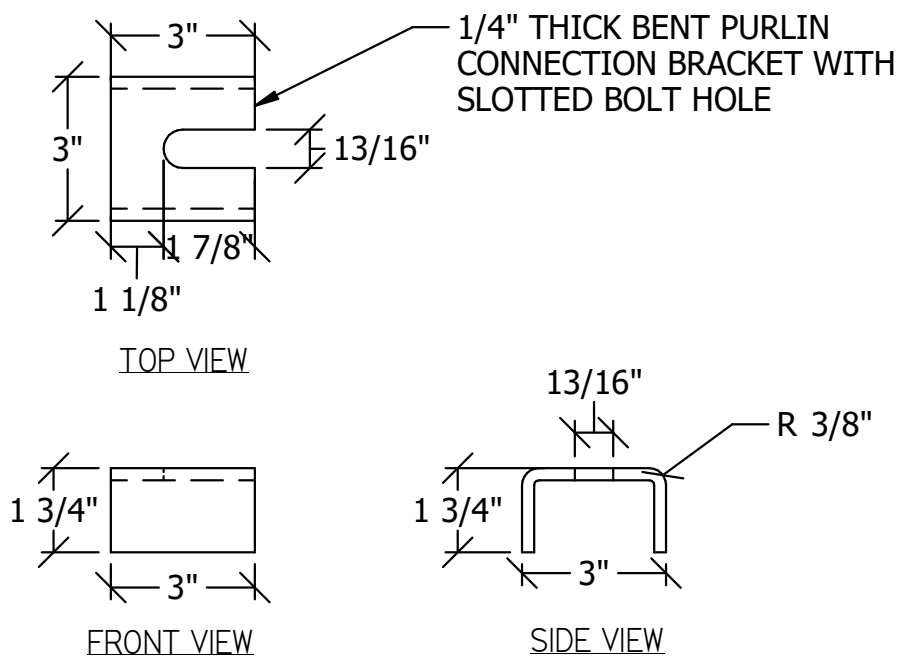
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S5 **BOTTOM CHORD PURLIN ASSEMBLY DETAIL**



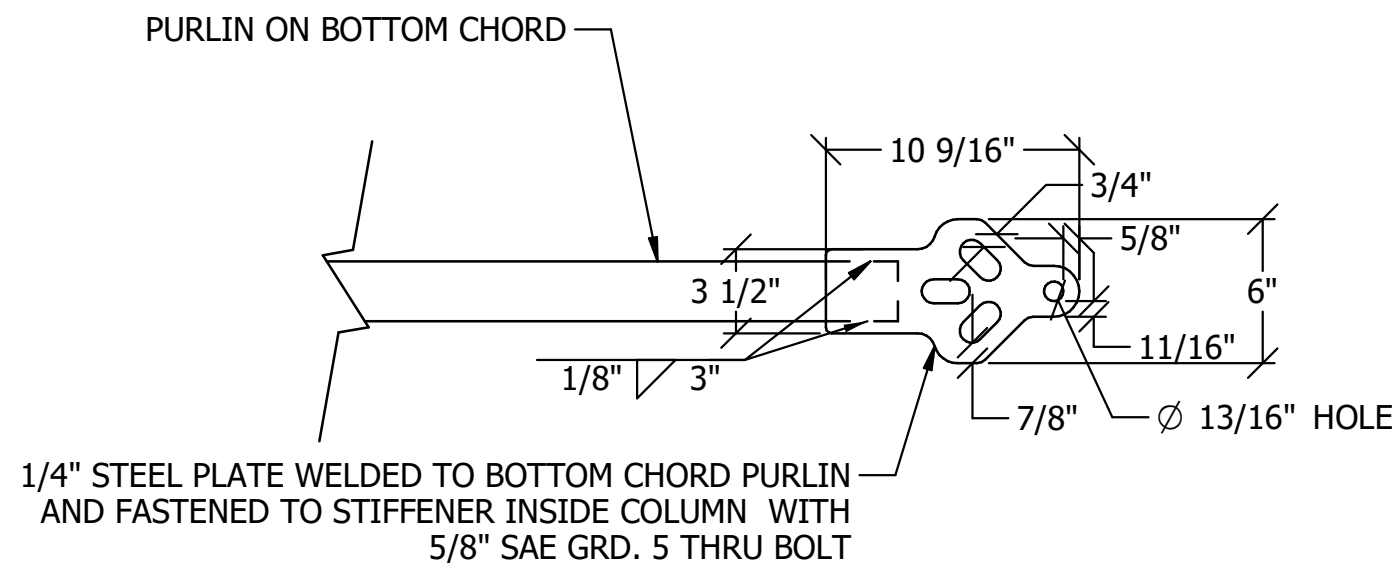
p6 **BOTTOM CHORD TO COLUMN CONNECTION PLATE**
SCALE: 1-1/2"=1'-0"



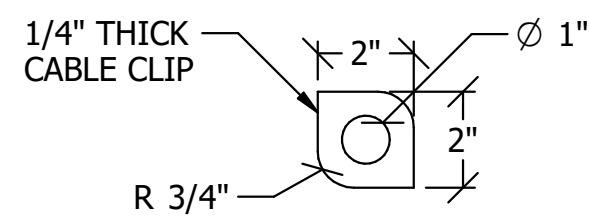
p8 **COLUMN BASE PLATE**
SCALE: 1-1/2"=1'-0"



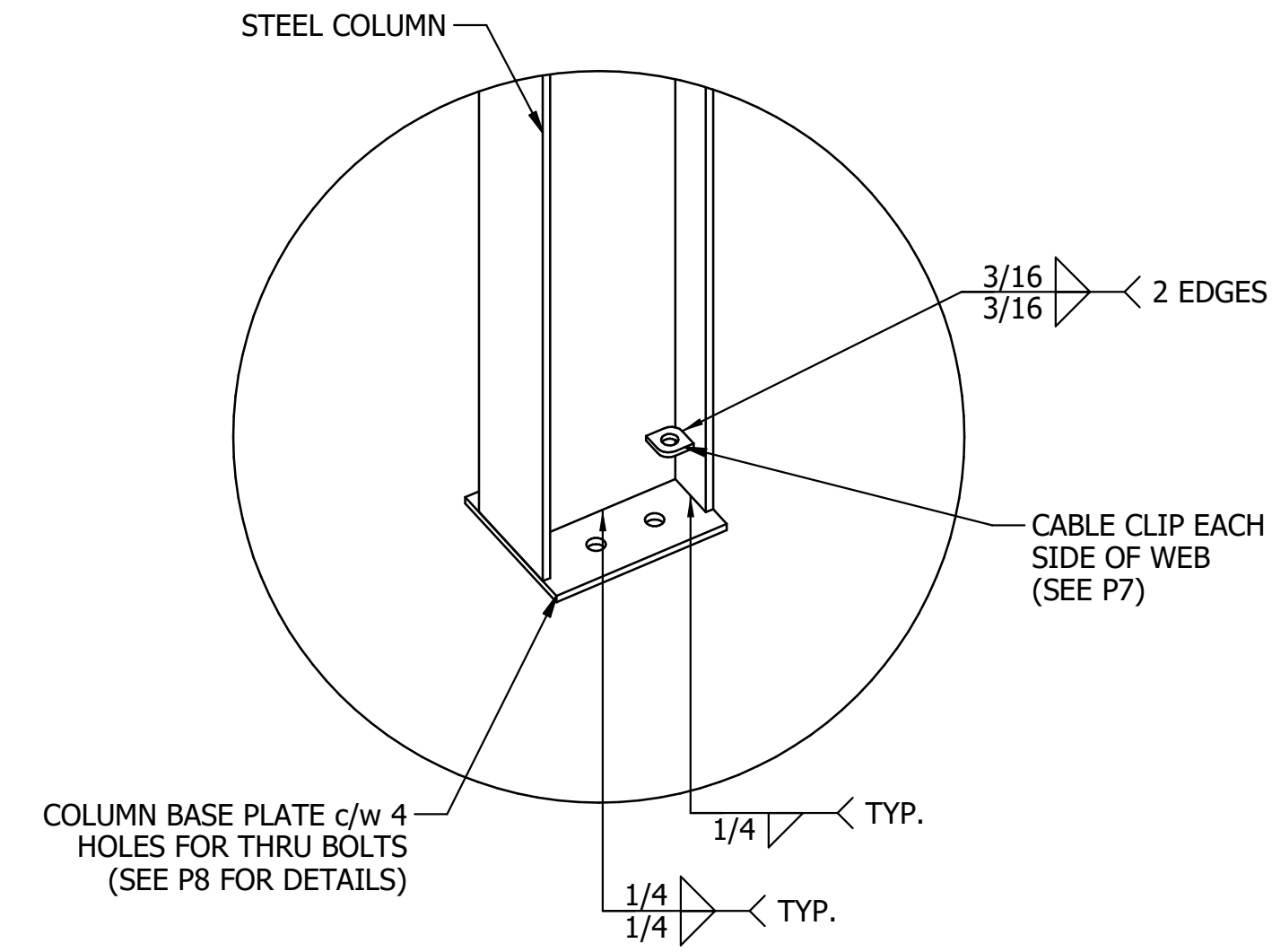
p10 **BOTTOM CHORD PURLIN BRACKET DETAIL**
SCALE: 1-1/2"=1'-0"



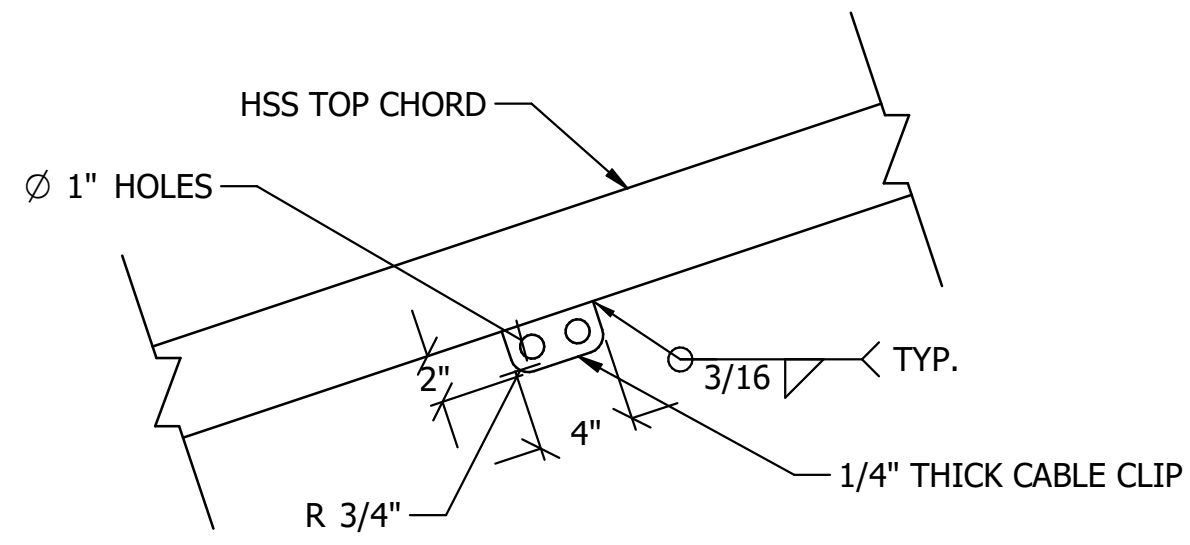
p10a **TRUSS PURLIN ATTACHMENT DETAIL**
SCALE: 1-1/2"=1'-0"



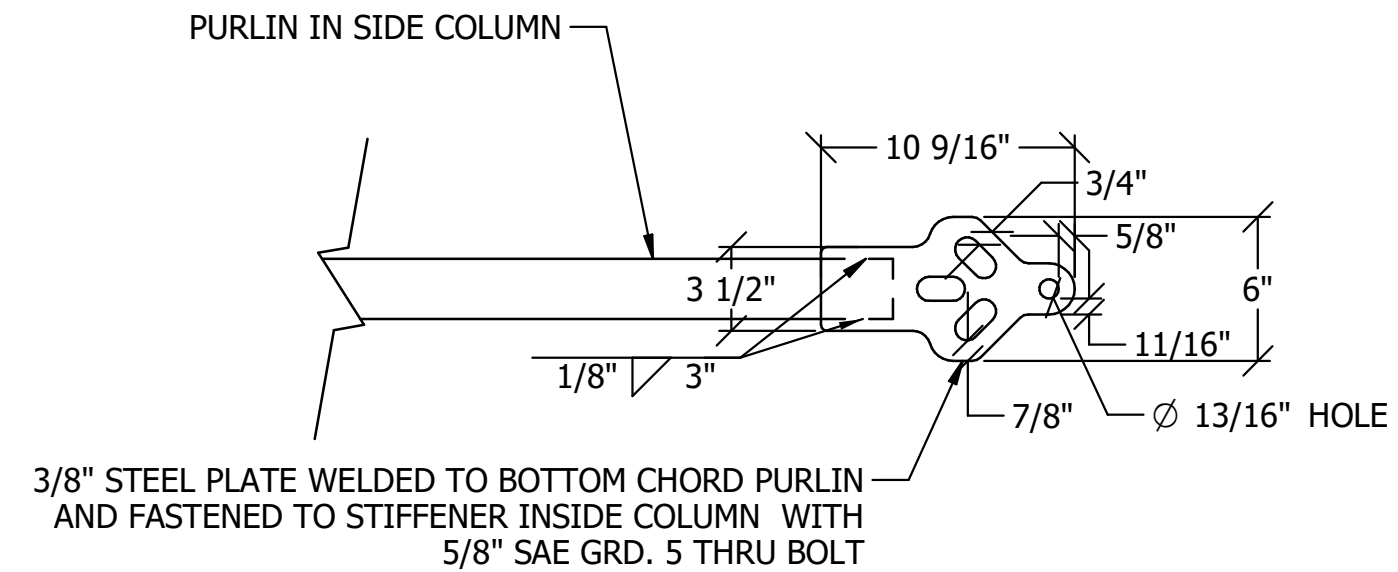
p7 **COLUMN CABLE CLIP**
SCALE: 3"=1'-0"



D
S5 **COLUMN BASE DETAIL**



F
S5 **SWAY BRACING CABLE CLIP DETAIL**
SCALE: 1-1/2"=1'-0"



p10b **COLUMN PURLIN ATTACHMENT DETAIL**
SCALE: 1-1/2"=1'-0"

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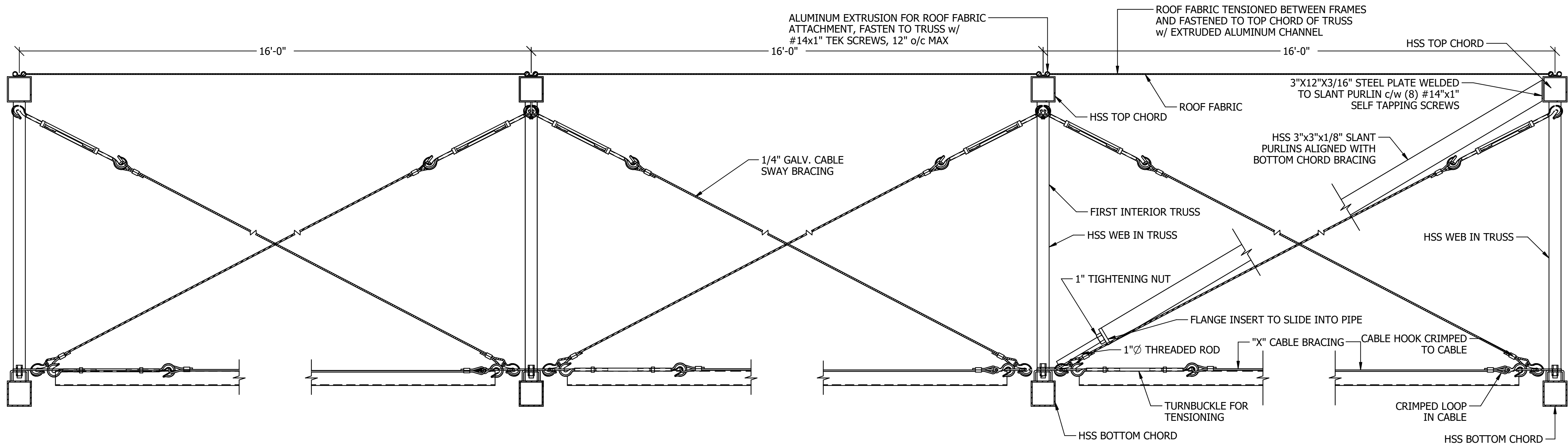
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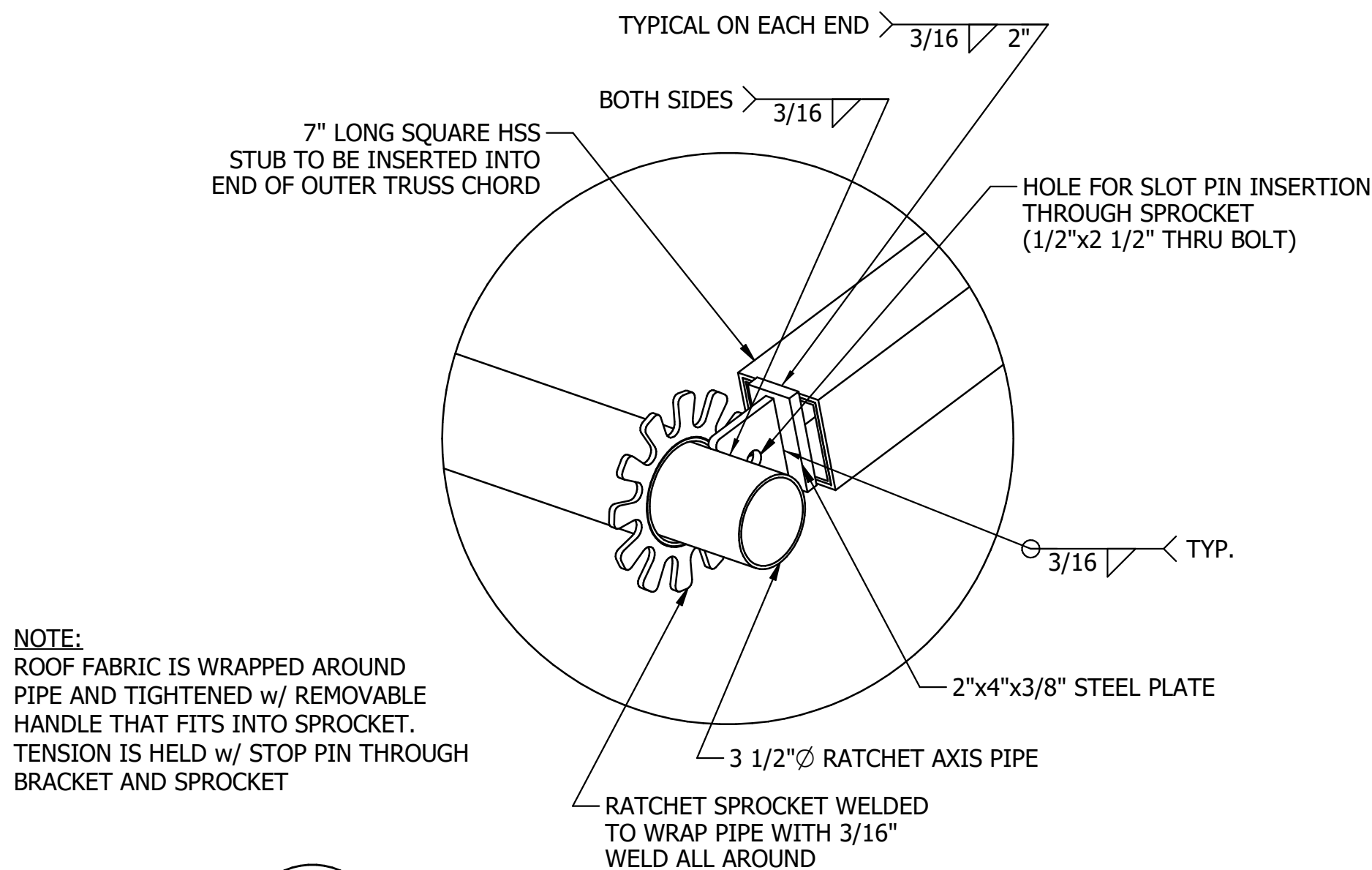
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PROJECT NAME:	CAROLYN FOX
PROJECT LOCATION:	77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:	STRUCTURAL DESIGN DRAWINGS

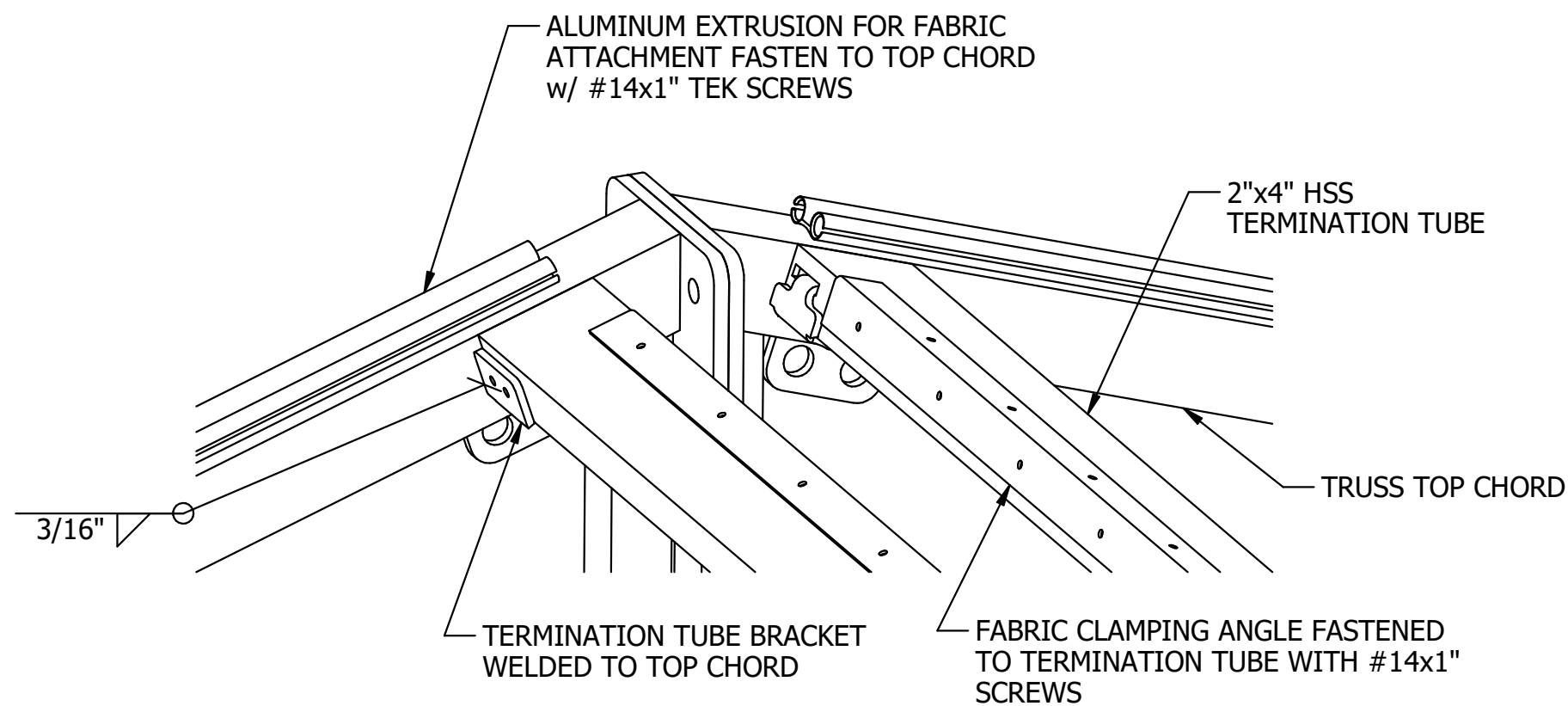
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2
S6 CROSS SECTION VIEW



G
S6 RATCHET & WRAP PIPE ASSEMBLY DETAIL



H
S6 PEAK ASSEMBLY DETAIL

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Fax: 877-577-7263

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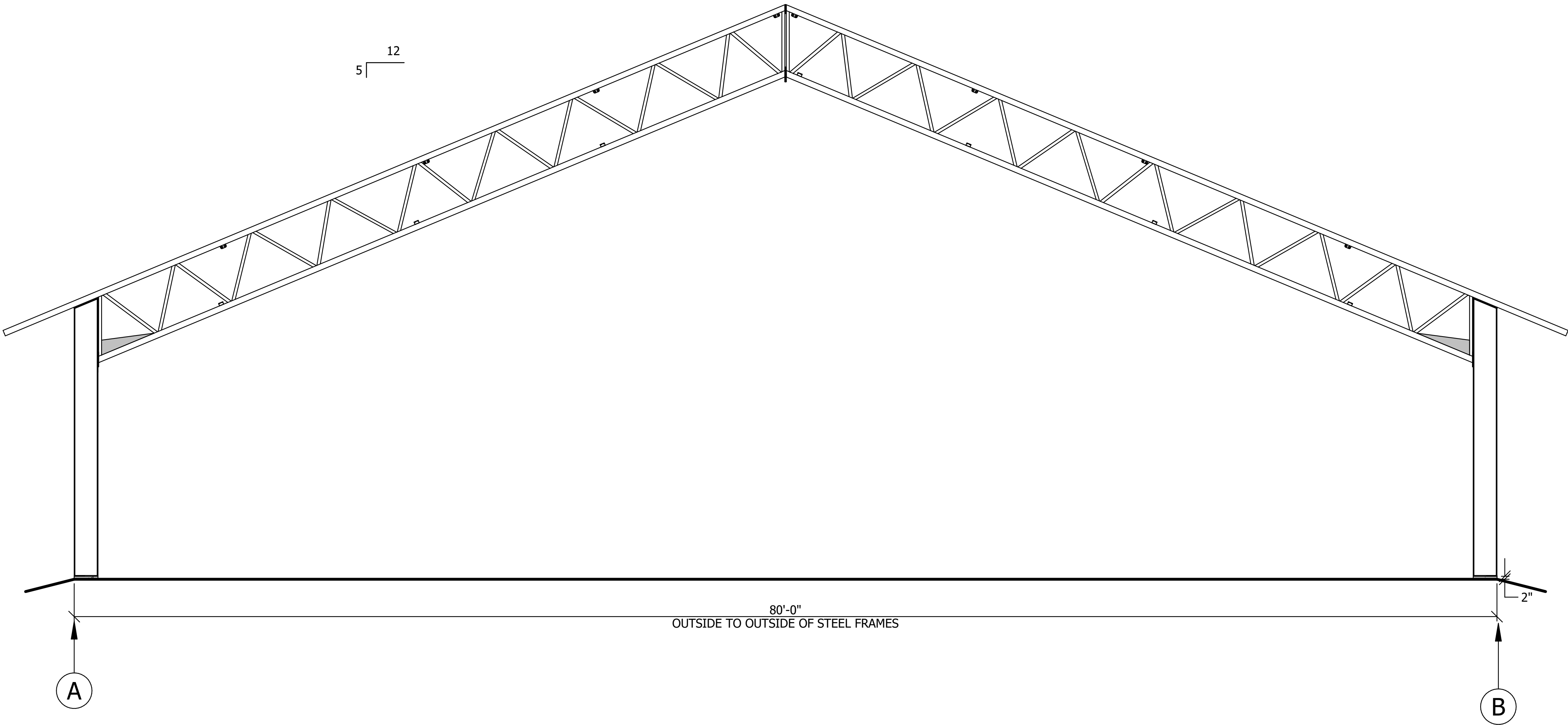
PROJECT NORTH:	TRUE NORTH:
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CONTRACTOR TO CHECK ALL DIMENSIONS AND ELEVATIONS AND REPORT ANY DISCREPANCY TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK

DO NOT SCALE DRAWINGS

CLIENT:	WECOVER STRUCTURES
PROJECT NAME:	CAROLYN FOX
PROJECT LOCATION:	77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:	STRUCTURAL DESIGN DRAWINGS

DRAWN BY: CHRISTIAN	CHECKED BY: BRENT
PAGE DESCRIPTION: PLATES AND CONNECTIONS	
PROJECT START DATE: 03/01/2022	LAST PRINT DATE: 04/20/2022
PROJECT/ CONTRACT NO. WECOVER 22-008 RIDGELINE 101.22.2335-ADD1	
SHEET NO.	



3
S7 **END WALL ELEVATION**
SCALE: 1/4" = 1'-0"

END WALL ENCLOSURE:
END WALLS OPEN

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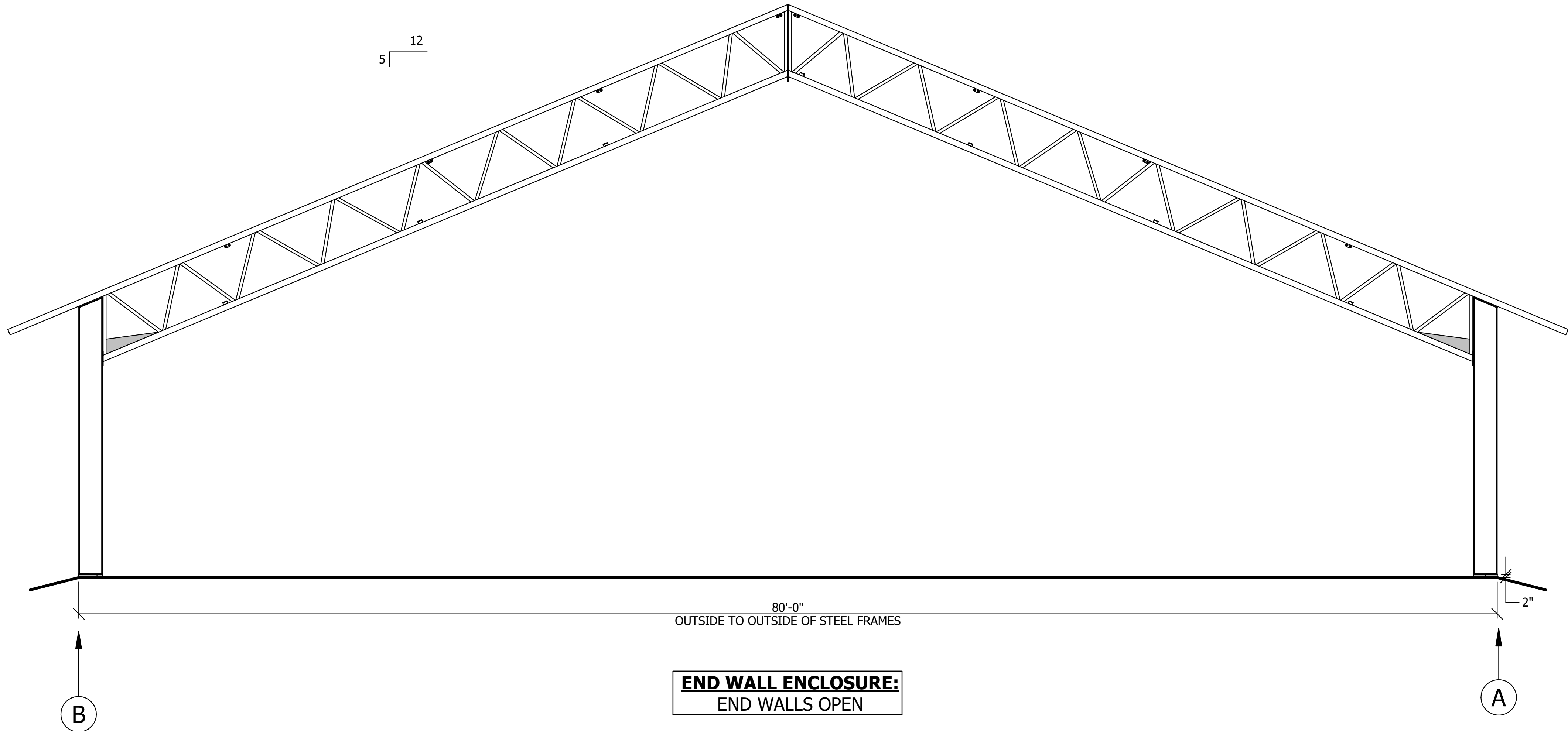
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PROJECT NORTH:	TRUE NORTH:
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PROJECT NAME:
CAROLYN FOX
PROJECT LOCATION:
77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:
STRUCTURAL DESIGN DRAWINGS

DRAWN BY:	CHECKED BY:
CHRISTIAN	BRENT
PAGE DESCRIPTION:	
END WALL ELEVATION	
PROJECT START DATE:	LAST PRINT DATE:
03/01/2022	04/20/2022
PROJECT/ CONTRACT NO.	
WECOVER 22-008	
RIDGELINE 101.22.2335-ADD1	
SHEET NO.	



4
S8 **END WALL ELEVATION**
SCALE: 1/4" = 1'-0"

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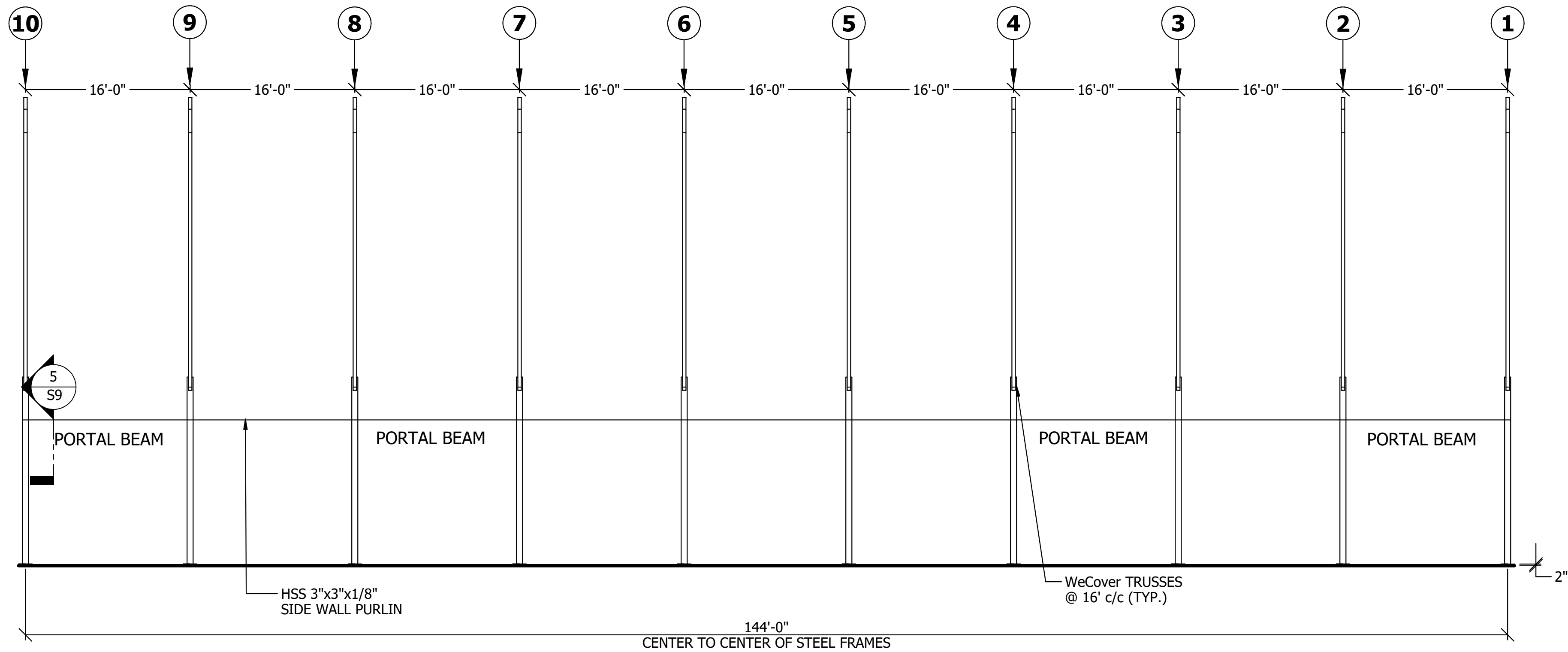
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PROJECT NORTH:	TRUE NORTH:
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CLIENT:
WECOVER STRUCTURES
PROJECT NAME:
CAROLYN FOX
PROJECT LOCATION:
77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:
STRUCTURAL DESIGN DRAWINGS

DRAWN BY: CHRISTIAN	CHECKED BY: BRENT
PAGE DESCRIPTION: END WALL ELEVATION	
PROJECT START DATE: 03/01/2022	LAST PRINT DATE: 04/20/2022
PROJECT/ CONTRACT NO. WECOVER 22-008 RIDGELINE 101.22.2335-ADD1	
SHEET NO.	

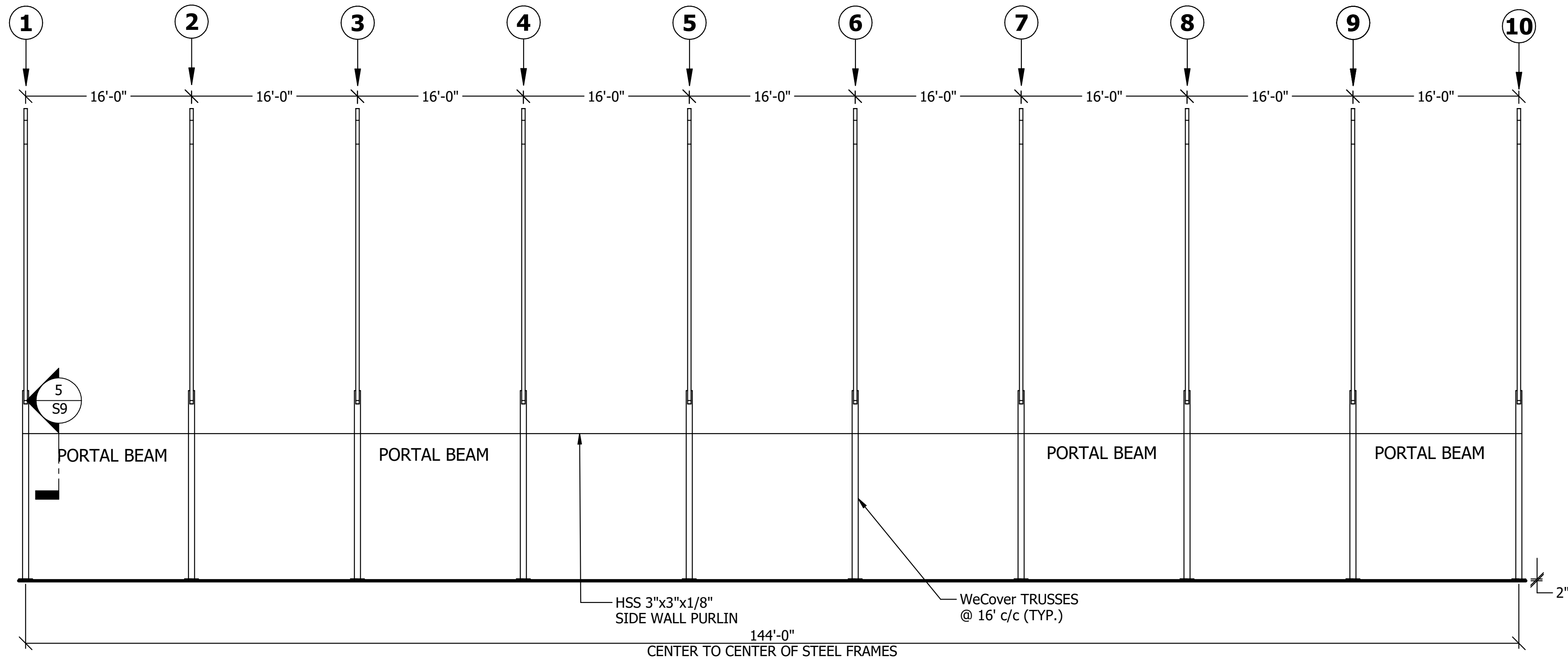


5
S9

SIDE WALL A ELEVATION
SCALE: 1/8" = 1'

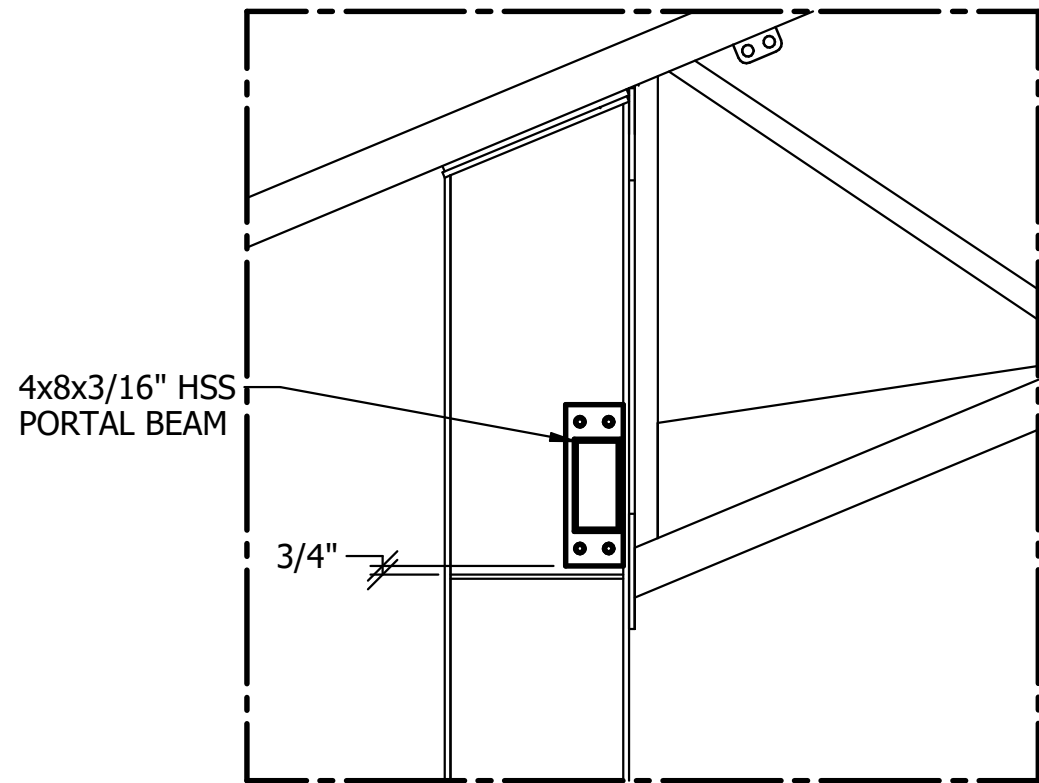
SIDE WALL ENCLOSURE:
SIDE WALLS OPEN

NOTE: ROOF BRACING NOT SHOWN FOR CLARITY



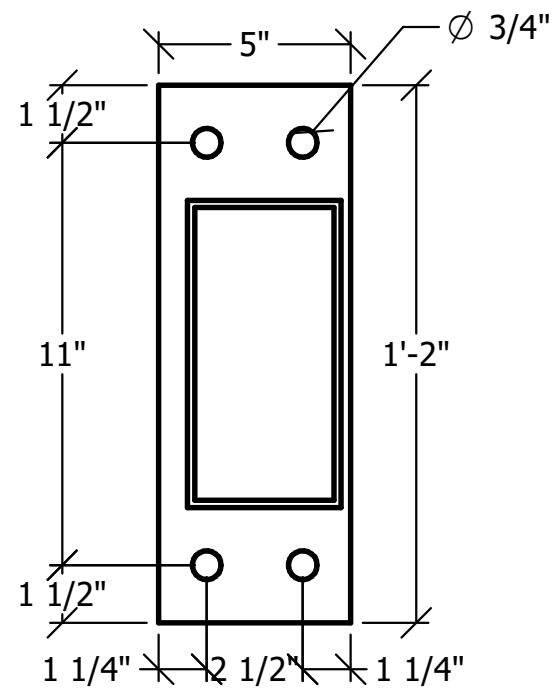
6
S9

SIDE WALL B ELEVATION
SCALE: 1/8" = 1'



5
S9

CROSS SECTION
SCALE: 3/16" = 1'-0"



I
S9

PORTAL BEAM END BRACKET
SCALE: NTS

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COLORED LICENSE
BRENT LEATHERMAN
04/20/2022
PE 0058692
PROFESSIONAL ENGINEER
EXP. 10/31/2024

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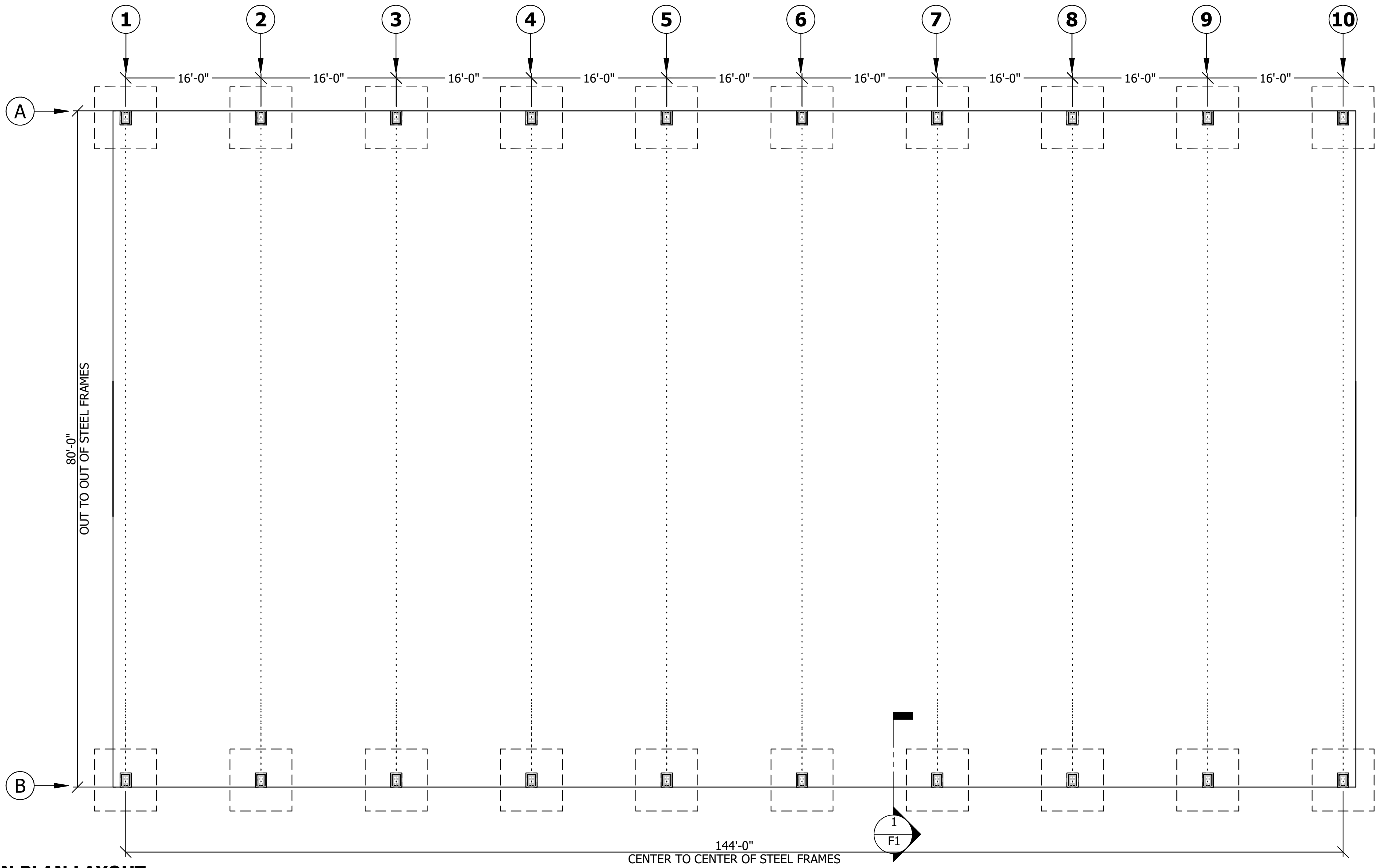
PROJECT NORTH:	TRUE NORTH:
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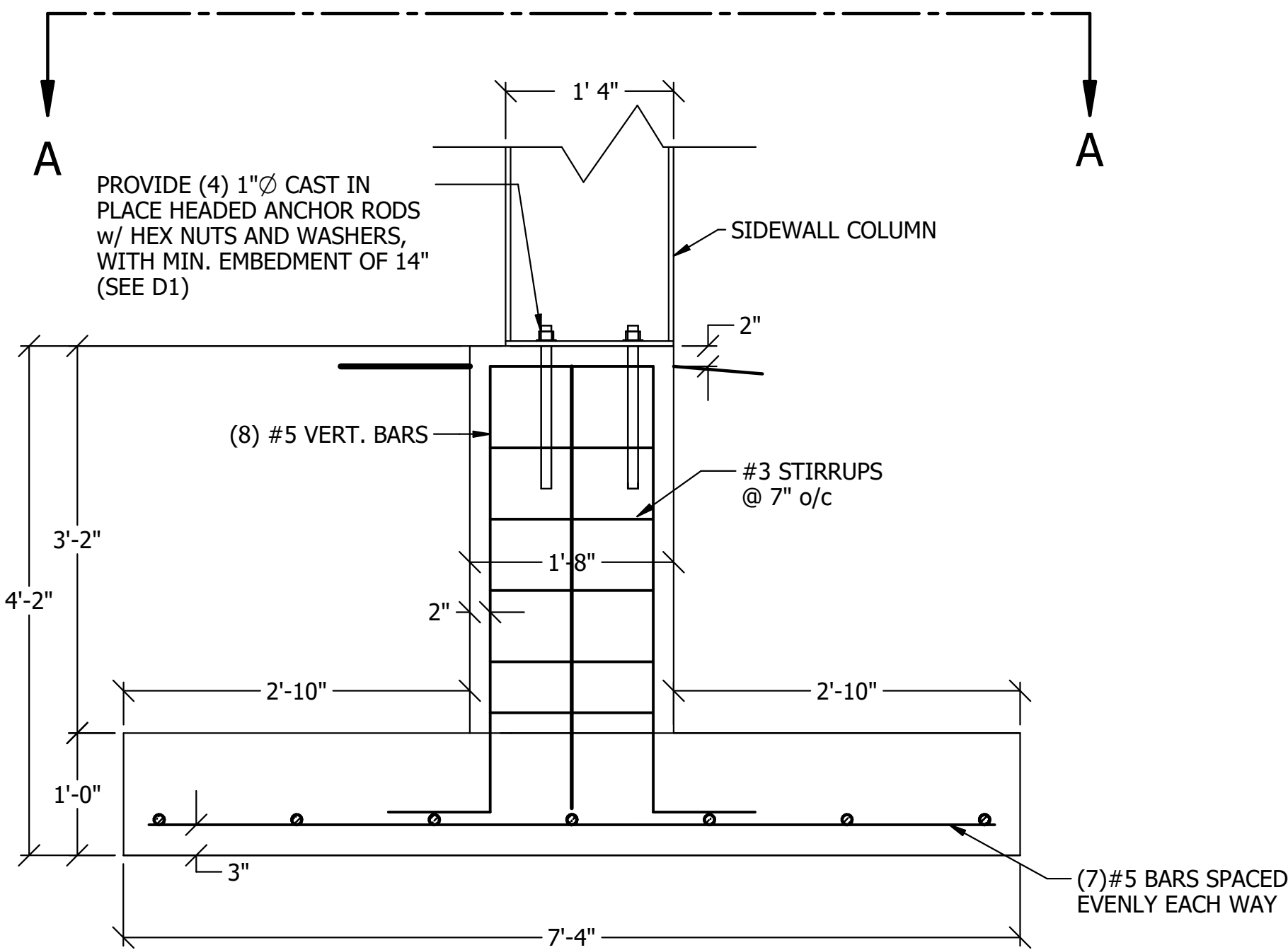
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CLIENT:	WECOVER STRUCTURES
PROJECT NAME:	CAROLYN FOX
PROJECT LOCATION:	77725 LONE CONE ROAD, NORWOOD, CO 81423
PROJECT STATUS & VERSION:	SIDE WALL ENCLOSURE DRAWINGS

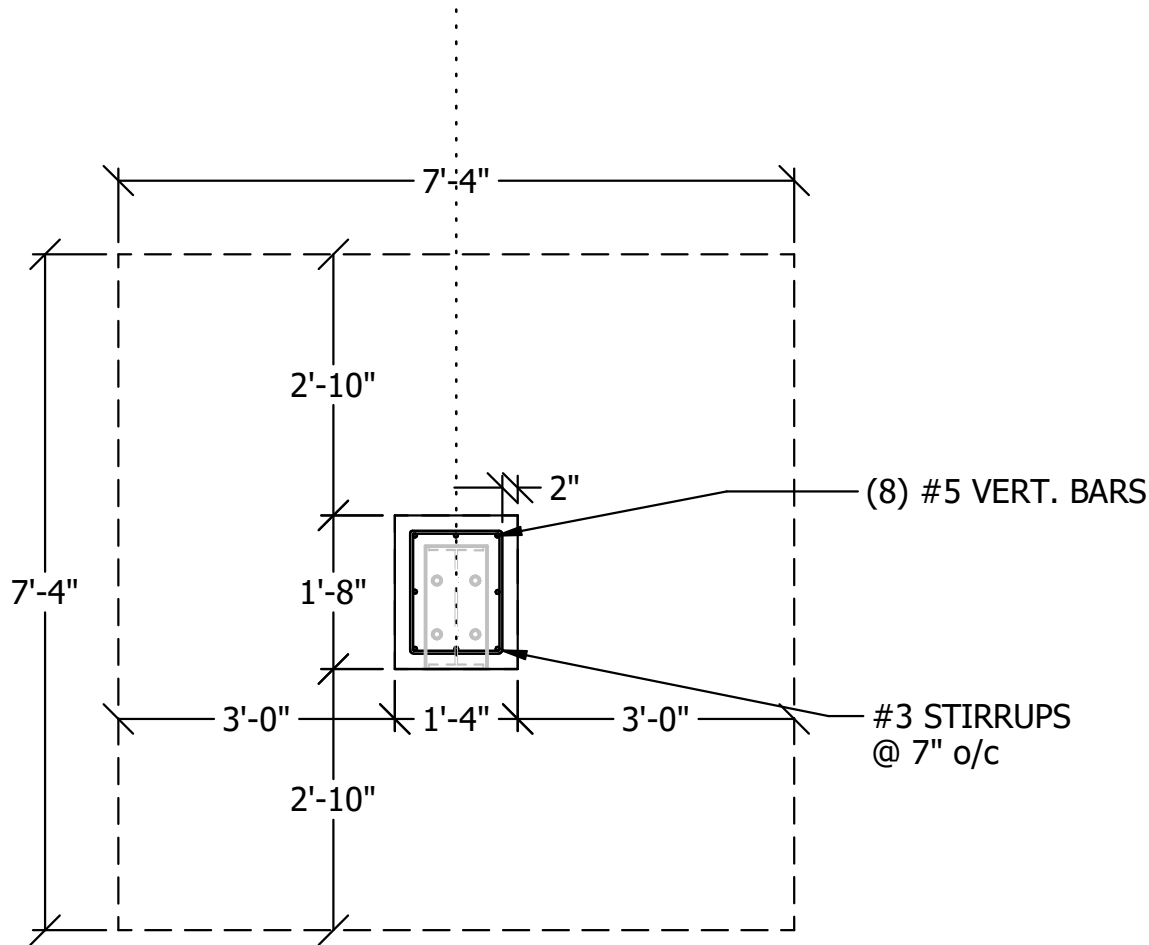
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03/01/2022	04/20/2022
PROJECT/ CONTRACT NO.	WECOVER 22-008
RIDGELINE	101.22.2335-ADD1
SHEET NO.	



F1 FOUNDATION PLAN LAYOUT
SCALE: N.T.S.

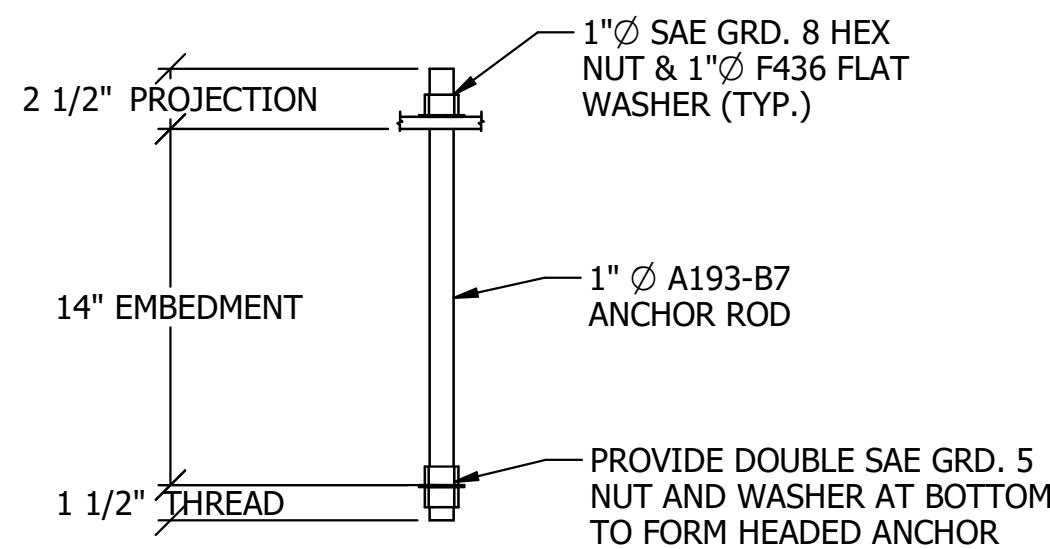


1 F1 TYP. FDN SIDE COLUMN PIER & FTG DETAIL- SCALE: N.T.S.



SECTION A-A

NOTE: BACKFILL ALONG SIDE WALL FOUNDATIONS SHALL BE FREE-DRAINING, CLEAN GRANULAR MATERIAL AND SHALL BE DEPOSITED AND MACHINE COMPACTED IN 8-INCH MAXIMUM LAYERS. COMPACTION SHALL BE A MINIMUM OF 95% OF THE MAXIMUM DRY WEIGHT DENSITY AT THE OPTIMUM MOISTURE CONTENT IN ACCORDANCE WITH ASTM D1557 (MODIFIED PROCTOR)



D1 ANCHOR BOLT DETAIL (TYP.)
SCALE: NTS

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PROJECT LOCATION:
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NORWOOD, CO 81423

PROJECT STATUS & VERSION:
STRUCTURAL DESIGN
DRAWINGS

DRAWN BY: CHRISTIAN	CHECKED BY: BRENT
PAGE DESCRIPTION: FOUNDATION PLAN LAYOUT	
PROJECT START DATE: 03/01/2022	LAST PRINT DATE: 04/20/2022
PROJECT/ CONTRACT NO. WECOVER 22-008 RIDGELINE 101.22.2335-ADD1	
SHEET NO.	

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

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

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



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

AND



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

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

William Fox

Name

(Insert Applicant's name if executed by agent)

7725 CR 4425, Norwood CO

Physical location of Property and/or legal description

PO Box 2703, Telluride CO 81435

Mailing Address (if different from above)

Date:

4/20/22

Signature:

[Signature]

[text/luc/certification.property.owner]

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



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral comments for One Step Planning Commission for Horse Arena

Troy Hangen <troyh@sanmiguelcountyco.gov>

Mon, Apr 11, 2022 at 1:08 PM

To: Amy Markwell <amym@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, "John J. Bockrath" <norwoodchief@gmail.com>, Mark Caddy - DNR <mark.caddy@state.co.us>, Many Ponies Mindspring <manyponies@mindspring.com>, Starr Jamison <starrj@sanmiguelcountyco.gov>

Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcountyco.gov>

Hello,

Please find a Land Use Application submission for a Horse Arena structure greater than 3,000 feet. This process requires a one step review by the Planning Commission.

Please have comments to me by May 5.

Thanks

--

Troy Hangen

Senior Planner

San Miguel County

P:970-728-3083

333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

www.sanmiguelcountyco.gov

3 attachments

**Memo Cover sheet to Referral Agencies.pdf**

72K

**Fox Horse Planning Application-compressed.pdf**

5901K

**101.22.233S Carolyn Fox 20220404 (stamped).pdf**

1819K



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral comments for One Step Planning Commission for Horse Arena

Amy Markwell <amym@sanmiguelcountyco.gov>
To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Thu, Apr 14, 2022 at 4:57 PM

I don't have any comments on this one. Thanks,

Amy

[Quoted text hidden]



Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral comments for One Step Planning Commission for Horse Arena

Matt Gonzales <mattg@sanmiguelcountyco.gov>

Tue, Apr 26, 2022 at 8:51 AM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Thanks. It appears that, with the engineered drawings, there should not be any barriers in regard to the building permit.

Thanks,

Matt Gonzales

Building Official

San Miguel County, CO

970-369-5440 (o)

970-708-8821 (c)



For view only access to codes: <https://codes.iccsafe.org/public/collections/I-Codes>

[Quoted text hidden]



May 3, 2022

Troy Hangen
Senior Planner, San Miguel County
333 W Colorado Ave, 3rd Floor
Telluride, CO 81435

Re: Referral comments for One Step Planning Commission for Horse Arena

Thank you for the opportunity to comment on the application for the construction of a horse arena at 7725 County Road 44ZS Norwood, CO 81423. This project will occur within the Gunnison sage-grouse mapped production area and occupied habitat.

Resolution 2006-13, Adoption of an amendment to the San Miguel County Land Use Code section 2-1601 Gunnison Sage Grouse Habitat states,

SECTION 2-16: WILDLIFE PROTECTION

It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land-use patterns that avoid disruptions to such habitat, and to prohibit dogs in and adjacent to wildlife habitat areas.

Section 2-1601

It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Division of Wildlife) and a paper submitted by Jim Boyd, NRCS Resource Conservationist, "San Miguel Basin Gunnison Sage Grouse Conservation Plan" Sage Grouse Conservation Plans. And all amendments. When considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Division of Wildlife.

After identifying this project's location and potential impacts on the San Miguel Basin GuSG satellite population, I reached out to Evan Phillips, CPW Wildlife Biologist and member of the San Miguel Basin Gunnison sage-grouse Working Group, to review this application (see attached email). After his review, this project was determined to occur within a disturbed and treed area on the Fox property, not on the sage flat, causing direct habitat impacts. Concern still exists with noise disturbance from construction. Therefore, I would like to recommend a time

restriction on construction to align with Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado¹

Gunnison Sage Grouse Production Area- No Lease (Leasable Minerals only); TL - **No permitted or authorized human activities within 4 miles of a lek from March 1 to June 30;** CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.

I appreciate your consideration. Please reach out with additional questions.

Regards,



Starr Jamison
Natural Resources and Special Projects Director
San Miguel County

¹ https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf



Starr Jamison <starrj@sanmiguelcountyco.gov>

Re: Referral comments for One Step Planning Commission for Horse Arena

1 message

Phillips - DNR, Evan <evan.phillips@state.co.us>
To: Starr Jamison <starrj@sanmiguelcountyco.gov>

Wed, Apr 27, 2022 at 3:19 PM

Thanks for forwarding, Starr. This one is technically within GUSG mapped habitat, but in this case it looks like it is to cover an already existing arena which is right next to their existing house and barns and is tucked in behind some trees from the main sage flat, so not necessarily a loss of current existing habitat. The biggest impact would be from noise of construction and would suggest the standard recommendation for timing limitation for production area. If you have any other questions or want to discuss more on the phone, let me know.

Thanks,

Evan

Evan Phillips
Wildlife Biologist, Area 18



P 970.252.6045 | C 970.209.2323
2300 S. Townsend Ave, Montrose, CO 81401
evan.phillips@state.co.us | cpw.state.co.us

On Tue, Apr 26, 2022 at 1:24 PM Starr Jamison <starrj@sanmiguelcountyco.gov> wrote:

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

From: **Troy Hangen** <troyh@sanmiguelcountyco.gov>

Date: Mon, Apr 11, 2022 at 1:09 PM

Subject: Referral comments for One Step Planning Commission for Horse Arena

To: Amy Markwell <amym@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, John J. Bockrath <norwoodchief@gmail.com>, Mark Caddy - DNR <mark.caddy@state.co.us>, Many Ponies Mindspring <manyponies@mindspring.com>, Starr Jamison <starrj@sanmiguelcountyco.gov>

Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcountyco.gov>

Hello,

Please find a Land Use Application submission for a Horse Arena structure greater than 3,000 feet. This process requires a one step review by the Planning Commission.

Please have comments to me by May 5.

Thanks

--

Troy Hangen
Senior Planner
San Miguel County
P:970-728-3083
333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

www.sanmiguelcountyco.gov



--

Starr Jamison

She|Her|Hers (*why pronouns matter*)

Natural Resources and Special Projects Director

San Miguel County

(O) (970) 369-5441

(C) (970) 729-9303

www.sanmiguelcountyco.gov





Troy Hangen <troyh@sanmiguelcountyco.gov>

Referral comments for One Step Planning Commission for Horse Arena

Caddy - DNR, Mark <mark.caddy@state.co.us>
To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Thu, May 5, 2022 at 7:06 AM

Troy,
CPW does not feel this will have a significant impact on wildlife as the arena already exists and the cover will not take up any further habitat.

Mark W. Caddy
Norwood District Wildlife Manager
P.O. Box 532
Norwood, CO 81423
970-209-2368



COLORADO
Parks and Wildlife
Department of Natural Resources

On Mon, Apr 11, 2022 at 1:09 PM Troy Hangen <troyh@sanmiguelcountyco.gov> wrote:
[Quoted text hidden]



AGENDA ITEM

TITLE:

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

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Materials LUC Amendment Affordable Housing Impact Fees 5.12.22.pdf](#)

Description:

PUBLIC MEETING RECORD

County Planning Commission

Application: Amendment to the San Miguel County Land Use Code Section 5-13 Affordable Housing, with associated amendments

Date: May 12, 2022

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)
3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated May 12, 2022
4. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on May 4, 2022

AGENCY COMMENTS

5. Agency Referral email dated April 11, 2022
6. Email from Greg Sund, Town of Telluride, dated April 11, 2022
7. Email from James Van Hooser, San Miguel County, dated April 11, 2022

PUBLIC COMMENT

None

OTHER

None

Page intentionally left blank

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Amendment to the San Miguel County Land Use Code Section 5-13
Affordable Housing, with associated amendments
DATE: May 12, 2022

Z:\Applications\2022_LUC Amendment Affordable Housing Impact Fees 5.12.22

Background

The need to provide housing for the local community is a long-standing problem, but is more acutely felt today with the confluence of soaring housing prices and the shortage of available units. The 2018 San Miguel County Housing Needs Assessment stated that the need for additional community housing is critical. At the time of the study, there was an estimated shortage of 441 units, and a projected shortage of an additional 325 units by 2026. The Trust for Community Housing's 2019 report, *The Impacts of Workforce Housing on the Telluride Area Economy and Community*, identified the importance of deed-restricted housing for retaining essential workers, emergency service workers and those who support the local economy. The COVID pandemic has highlighted the need for more housing, with local real estate sales and rental trends exacerbating the lack of available housing for local residents and causing increased displacement of local renters.

Prior to 2007 the county had required the provision of deed restricted accessory dwelling units for residences above a certain size. The Board of County Commissioners amended the County Master Plan and Land Use Code in 2007 to institute residential impact fees for all new construction, unless exempted. The fee schedule adopted was proposed in the 2005 *San Miguel County Employee Housing Impact Fee Study*, prepared by RPI Consulting Inc. Significant analysis is required to update the impact fees and they are capped at a 2015 rate. The county has uses the outdated fee rate for over seven years.

The [2005 Employee Housing Impact Fee Support Study](#) and the [2000 Residential Job Generation Study](#) are available via link online on the county Planning Department web page "Other resources."

In December 2020, San Miguel County issued a request for qualification (RFQ) to engage a consultant to analyze the County's existing construction job generation rates, impact fee formulas and mitigation requirements for affordable housing generated by new construction, but only received one response. In lieu of hiring a consultant, staff has reviewed the existing linkage studies and reports and fee structures developed by Colorado mountain communities in order to develop a recommendation to update the Affordable Housing Impact Fees. These fees are intended to promote capital projects that will further County Housing goals and policies and to assist in the construction of workforce housing.

At the direction of the Board of County Commissioners, and incorporating feedback

received from the Planning Commission, staff has prepared an *Affordable Housing Fee Methodology Report* and proposed Land Use Code Amendments to Section 5-13 Affordable Housing, and other various amendments. The following worksessions were held:

- Board of Commissioners on October 20, November 3, and March 9, 2022
- Planning Commission on October 11, November 4, November 17, and March 10, 2022

Affordable Housing Fee Methodology Report

The *San Miguel County Affordable Housing Fee Methodology* report proposes that impact fees be based on the Market-Affordability Gap approach. A copy of this report is attached. This new method is based on the difference between the free market price of housing in the Telluride Region and the price that is affordable to persons living in the community for which the housing is intended. Benefits of this method include that it is based on MLS data (easily obtained), is wide-used by other entities (Towns of Telluride and Mountain Village), provides sufficient revenue, and is legally sound.

The impact fee payments are required for residential construction (single-family and two-family) in the unincorporated county within the Telluride R-1 School District. The nexus or linkage study is based on the number of jobs directly generated by residential construction and operation and upkeep of residences. The employee generating rates are contained in Appendix E of the attached report.

The current mitigation rate requirement to provide affordable housing for residential subdivisions is 37%. Staff posits that the preference of the two county boards is to raise the mitigation rate for residential construction to 90% for dwellings 4,001 square feet (sf) and greater, but to exempt mitigation on residences from 1 to 1,799 sf; and, to graduate the mitigation rate for dwellings between 1,800 sf to 4,000 sf. Proposed mitigation rate is illustrated in the following table. No impact fee is required for residences 1,799 sq. ft. or less, which is the current exemption standard.

Square	Footage	Mitigation Rate
1	1,799	0%
1,800	2,500	30%
2,501	3,000	42%
3,001	4,000	66%
4,001	12,000	90%

The market gap fee or mitigation rate is \$527 per square foot. This is established from the 2021 model using real estate sales from 2018-2020. This rate or an updated mitigation fee may be established for 2022. Components of the model can be updated annually.

To calculate the impact fee amount and/or the amount of affordable housing mitigation

required, the Floor Area to be provided for each employee generated by the development is needed for the model. The Land Use Code (LUC) currently states that a minimum of 350 square feet of space is required for an employee, to include full living, kitchen and sanitary facilities for deed restricted housing. It is proposed that the square feet required per the LUC and used in the model be increased to 400 sq. ft. (matching the Town of Telluride). If the required mitigation floor area is 400 sq. ft. or greater, an ADU/Caretaker unit must be provided. The Affordable Housing Mitigation fee will be reduced to provide a credit for the deed-restricted unit floor area. If the required mitigation floor area is less than 400 sq. ft., no ADU/Caretaker unit will be required. The proposed fee schedule is illustrated below.

Affordable Housing Unit Required		NO Affordable Housing Unit Required		
Proposed Impact Fee Table for Residential Development				
Model Year		Proposed		
SF Per Employee			400	
Maximum Mitigation %			90%	
Impact Fee/SF			527	
Square Footage	Employees Generated	Mitigation Rate	Aff Housing SF to be provided	Impact Fee
500	0.137	0%	-	\$ -
1000	0.207	0%	-	\$ -
1801	0.279	30%	33	\$ 17,628
2501	0.354	42%	59	\$ 31,308
3001	0.514	66%	136	\$ 71,564
4001	0.694	90%	250	\$ 131,745
5000	0.901	90%	324	\$ 170,950
6000	1.144	90%	412	\$ 217,122
7000	1.438	90%	518	\$ 272,905
8000	1.802	90%	649	\$ 341,951
9000	2.263	90%	815	\$ 429,299
10000	2.856	90%	1,028	\$ 541,902
11000	3.634	90%	1,308	\$ 689,352
12000	4.664	90%	1,679	\$ 884,889
* No fee for dwellings < 1800 sf				

Three methods for mitigating employee housing impact generated are anticipated: 1) Payment of impact fees in lieu of providing employee housing unit(s), (2) Construct Accessory Dwelling Units (ADUs) on site that are deed-restricted with an occupancy covenant for zone districts within the Telluride Region, or Caretaker Units in the Forestry, Agriculture and Open (F) zone within the Telluride R-1 District, and (3) Construct deed-restricted dwelling unit(s) off-site, if a potential site exists in the Region.

The development of one (1) free market accessory dwelling unit per parcel up to 800 square feet is currently allowed in the High (H), Medium (MD) and Low Density (LD) zone districts in the Telluride Region, and a caretaker unit up to 2,000 is allowed in the F zone district, subject to meeting all applicable Land Use Code (LUC) standards. The attached LUC amendment(s) proposes that ADUs and Caretaker units within the Telluride R-1 District should be allowed only if required for affordable housing impact mitigation or if voluntarily designated for affordable housing by the property owner. The ADUs and Caretaker Units would be subject to the County R-1 Housing Deed-Restriction and to a County ADU Deed Restriction Covenant.

The San Miguel County Housing Authority is preparing a County ADU Deed Restriction Covenant that if attached to a property with an ADU, imposes occupancy requirements (e.g. unit is not allowed to remain vacant more than 90 days during the year and shall be leased for no less than six (6) months at a time, etc.) on the ADU or a subject Caretaker unit. These restrictions would be enforced by the Housing Authority.

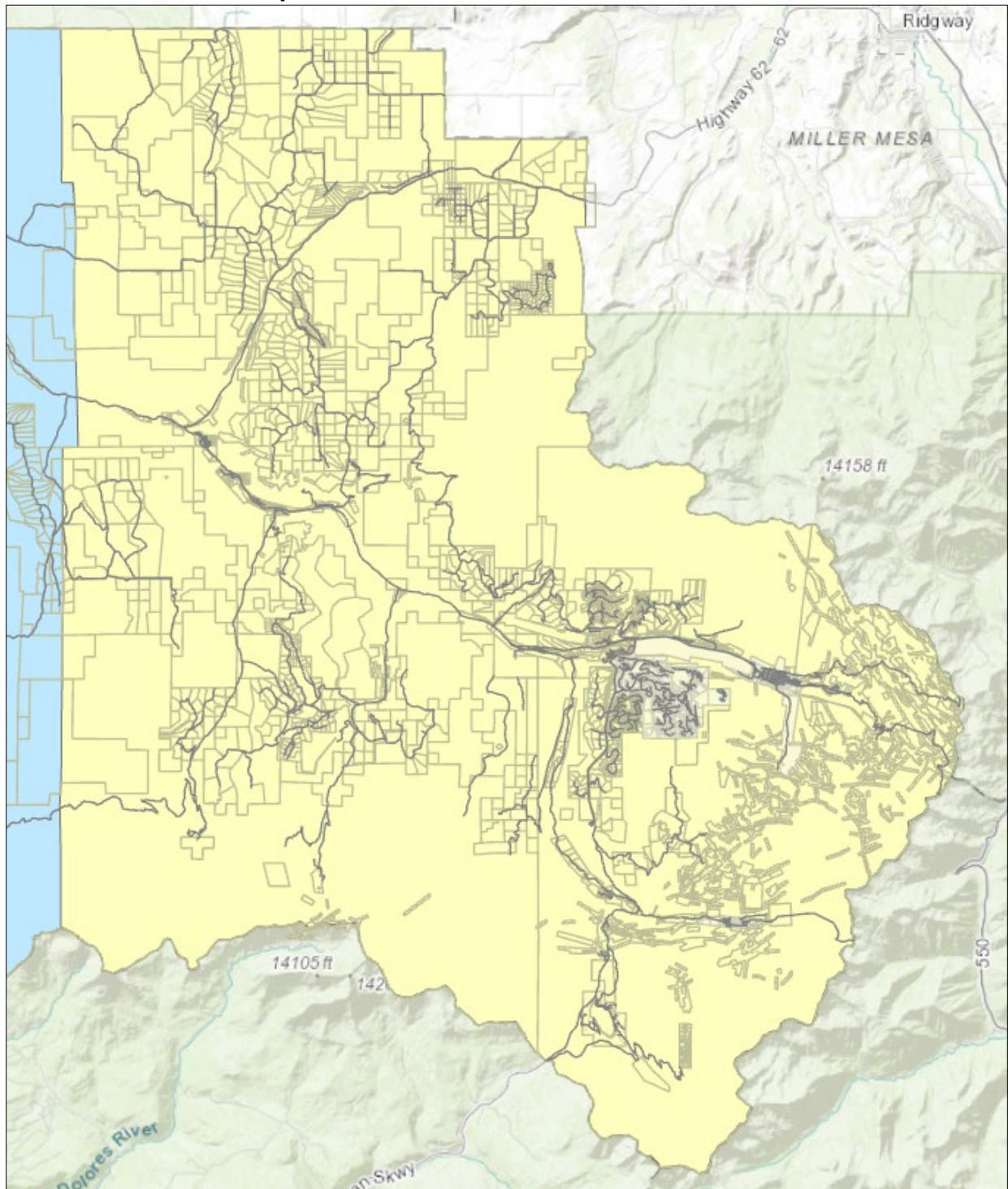
Appendix E to the Land Use Code as revised contains the procedures to calculate the employee housing mitigation fee and to update it annually.

No changes are recommended at this time for commercial, subdivision or multi-unit development types. That will be considered in a separate future proposal.

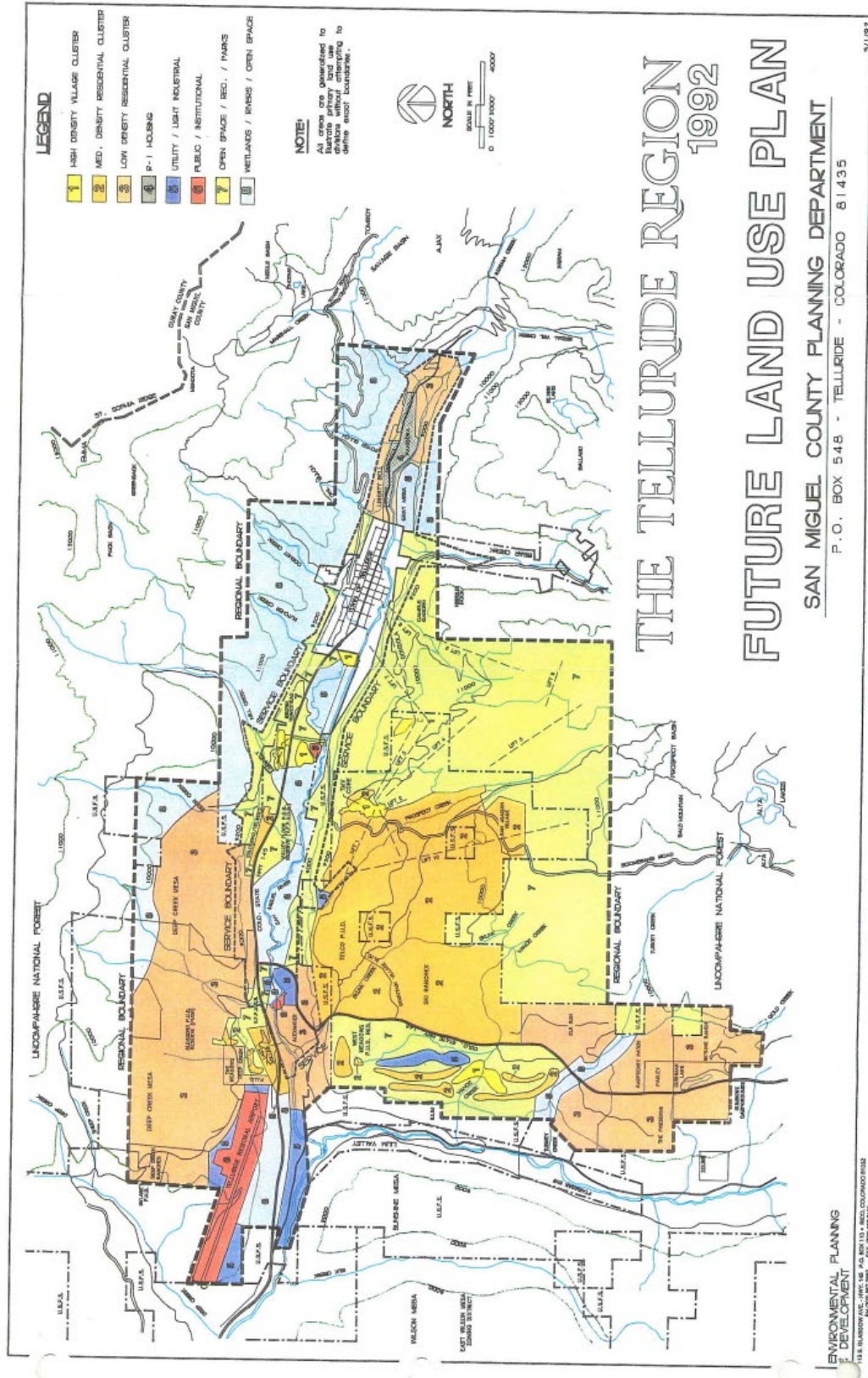
In the following table current and proposed impact fees are illustrated for comparison. There are no fees for dwellings below residences 1,800 sq. ft. currently or proposed. For residences in the 1801 to 4000 sq. ft. range, a graduated mitigation rate from 30% – 60% is proposed, above 4001 sq. ft. the proposed mitigation rate is 90%.

Comparison Impact Fee Table for Residential Development		
Model Year	Current	Proposed
SF Per Employee		400
Maximum Mitigation %	37%	90%
Impact Fee/SF		527
Square Footage	Impact Fee	Impact Fee
500	\$ -	\$ -
1000	\$ -	\$ -
1801	\$ 2,862	\$ 17,628
2501	\$ 3,092	\$ 31,308
3001	\$ 4,388	\$ 71,564
4001	\$ 5,984	\$ 131,745
5000	\$ 7,995	\$ 170,950
6000	\$ 10,579	\$ 217,122
7000	\$ 13,951	\$ 272,905
8000	\$ 18,413	\$ 341,951
9000	\$ 24,379	\$ 429,299
10000	\$ 32,418	\$ 541,902
11000	\$ 43,320	\$ 689,352
12000	\$ 58,171	\$ 884,889
* No fee for dwellings < 1800 sf		

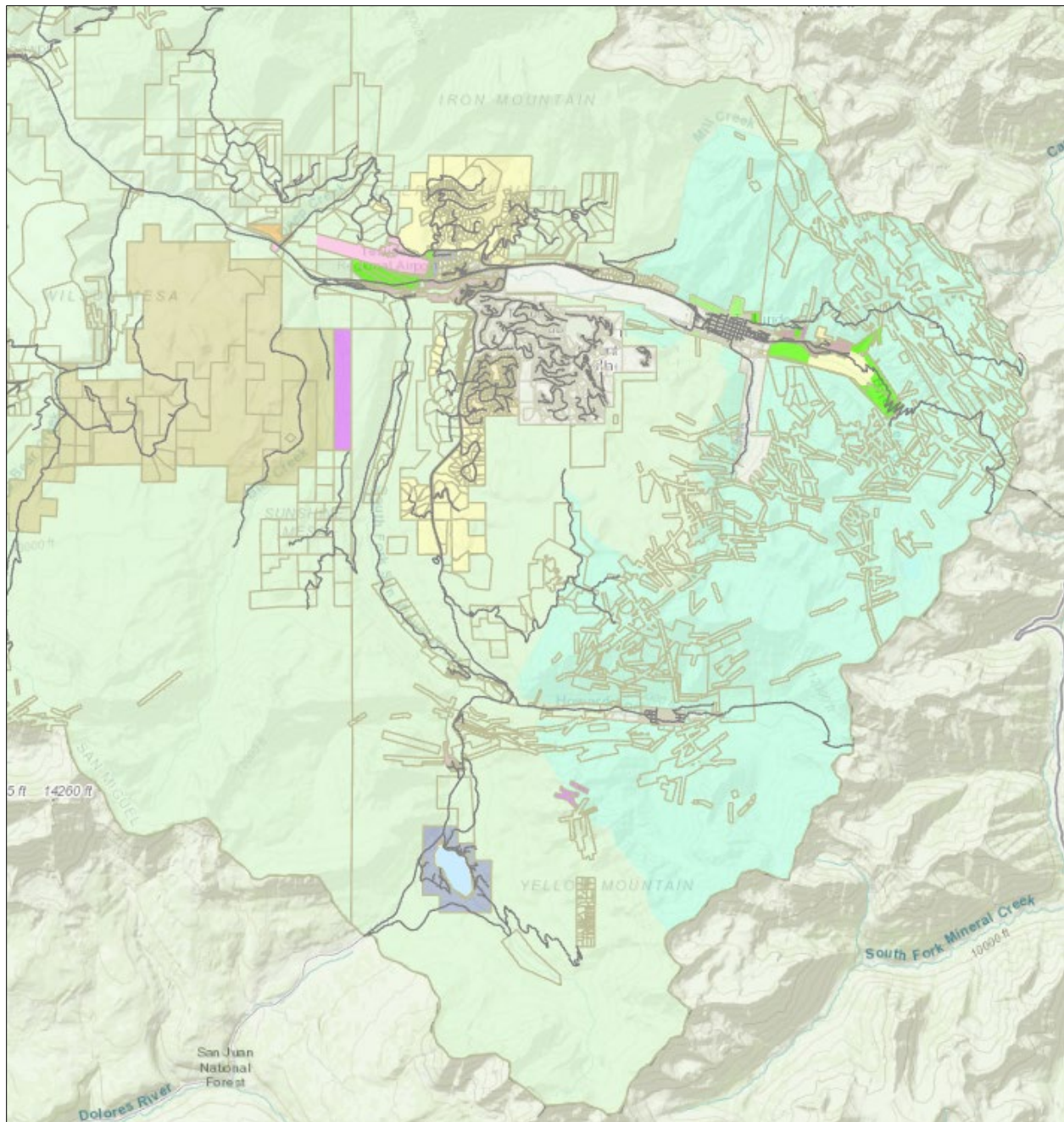
R-1 School District Map



Telluride Region Future Land Use Plan, 1992



Zoning Map



Proposed Amendment

The draft amendment to the San Miguel County Land Use Code regarding Affordable Housing Fees and Mitigation is attached. The proposed amendments are to Section 5-13 Accessory Dwelling Units and Affordable Housing, and associated amendments. New text is shown in red underline and deletions are shown in ~~shaded strike-through~~.

Public Notice

The meeting agenda was published in the Telluride Daily Planet and Norwood Post on May 4, 2022. The draft land use amendment has been available [online](#) since April 20, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the County Attorney, County Manager, County Assistant Manager, County Building Official, San Miguel Regional Housing Authority, Town of Telluride, Town of Mountain Village, Town of Sawpit, Town of Ophir, Town of Norwood, and Telluride Association of Realtors.

Response received from the Town of Telluride requested minor clarifications and corrections, which were made. The County Assistant Manager was consulted while the draft was being prepared and his comments have been incorporated into the draft as presented.

Public Comments

As of the writing of this report, 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 requested by the BOCC. 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. The Employee Housing Mitigation Fee Method and Calculation Tables will be an Appendix to the Code to allow annual fee updates without the need to amend the LUC.

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.

(Planning Staff comments)

It is in the public interest to provide housing that is affordable and available to the workforce, and to ensure that development that is causing the impact provide meaningful fees and mitigation that contributes to alleviating the affordable housing shortage in the region.

Fees collected are used to implement housing programs consistent with County LUC policies and standards and County Master Plan goals. The fee calculation model and update process is simplified and uses easily obtainable public data.

Sample Motion:

I move to recommend to the Board of County Commissioners to adopt the *San Miguel County Affordable Housing Fee Methodology* report and the amendment to San Miguel County Land Use Code Section 5-13, Accessory Dwelling Units and Affordable Housing, with associated amendments to LUC Articles 5 Standards and 6 Definitions, based on the finding that the proposed amendments comply with the standards 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 2-29.

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SAN MIGUEL COUNTY, COLORADO

San Miguel County Affordable Housing Fee Methodology Report DRAFT

Market-Affordability Gap approach

John Huebner, Senior Planner
5-12-2022



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Background

Purpose Statement

The purpose of this report is to provide a methodology for calculating fees that could be assessed by San Miguel County through its program to promote affordable housing in the Telluride R-1 School District. The methodology for calculating fees must be sound, easily understood and readily updated. It must also be compatible with the existing Land Use Code.

This report recommends a methodology based on the difference between the market price of housing and the price that is affordable to people for which the housing is intended. This is referred to as the Market-Affordability Gap approach.

Introduction

San Miguel County in its regulations requires payment of an impact fee for the development of residential property in the unincorporated county in the R-1 School District in order to provide mitigation for affordable housing. San Miguel County Resolution 2007-11 adopted residential impact fees and repealed provisions within the Land Use Code related to the requirement to build employee housing units (Accessory Dwelling Units (ADU) and Caretaker Units). This proposed methodology would replace that adopted by Resolution No. 2007-11.

Organization of the Document

This report consists of the following sections as follows:

1. Recommended Methodology
2. Advantages Over Existing Approach
3. Legal Justification
4. Calculating the Model
5. Impact Fee Model for San Miguel County
6. Calculating Affordable Housing Mitigation

Additional supporting documents are provided as appendices to this report.

Recommended Methodology

The Market-Affordability Gap approach is recommended for calculating the impact fee applicable to San Miguel County affordable housing requirements. It is based on the difference between the market price of housing and the price that is generally affordable to households meeting the affordable housing requirements. The benefits of this methodology are as follows:

- It is transparent and relatively simple, allowing for regular updating with readily available information from public sources (e.g. Telluride Multiple Listing Service, County Assessor, U.S. Department of Housing and Urban Development).
- It may be used within the existing San Miguel County Building Department permitting process without requiring modifications. The impact fee may be expressed in per-unit, per-employee and per-square-foot amounts.
- Variables incorporated can be adjusted to reflect changes to local conditions and circumstances and to exclude outliers.



- Could be used to calculate fees for income categories as well as other categories, such as unit sizes that may be targeted in the future.
- Reflects changes in land and construction costs since they adjust to market conditions.
- Is applicable to both ownership and rental housing since sales of both types of units are included in market price calculations and since the affordable housing payment is assumed to be the same regardless of whether the targeted household owns or rents.
- Represents the actual cost of housing available to employees without public-sector subsidies and responsibilities. The County's affordable housing program does not intend for the public sector to subsidize affordable housing requirements; subsidies vary widely based on project design, location, financing, and other factors.
- Provides sufficient revenue to potentially develop new units, to purchase and deed restrict existing units, to provide assistance to housing projects, or to acquire land.
- Is based on a widely-used method for examining the affordability of housing; the gap between market and affordable prices is a key indicator of need.
- Was tested in a 2008 lawsuit in Gunnison County and found by the District Court to be reasonable and sound.
- Is the methodology used by the Town of Telluride and other towns and counties in the Colorado Rocky Mountain region for calculating affordable housing impact fees.

Advantages over existing Approach

The existing method for calculating affordable housing impact fees was based on the gap between the historical cost of building affordable units and their affordable price, or the income received from sales and rentals. It relies on determining the costs of developing affordable housing, which has varied widely and has a small sample size. The market-affordability gap approach is recommended over the historic cost-affordability gap approach for several reasons:

1. It can be easily calculated with up-to-date reliable data for the market price of free market housing available from public sources (County Assessor, Telluride Association of Realtors). The previous model has not been updated since adoption in 2007, since compiling data was a complex time-consuming process that involved the hiring of a consultant by the county.
2. It does not rely on adjustments to cost and price considerations of past projects to make the fees relevant. Affordable housing projects are infrequently built in this area, so costs of past projects do not reflect current market conditions. Additionally, the need for subsidies for publicly-built projects vary greatly and are not uniform. Updating the impact fees would have required multiple assumptions regarding changes in land purchase, project design, construction costs and inflation, and other factors.
3. Revenues could be more sufficient to build, buy or partner with other entities to produce housing when based on market prices. Calculating fees based on the cost of public sector construction of affordable housing units under-represented the real cost to produce units.

Legal Justification

Local governments are expressly authorized to impose impact fees to serve new development as a condition of approval of development permits, C.R.S. 29-20-104.5. ("Colorado Land Use Control Enabling Act").



- San Miguel County along with three resort-based governments participated in a comparative analysis, conducted by RRC Associates, Inc. and The Housing Collaborative, LLC in 2000, to determine the number of jobs directly generated by residential units. The Residential Job Generation Study covered employees in the residential construction industry as well as jobs associated with the on-going maintenance and operation of homes. This study provides the empirical data to justify the impact fees proposed and related amendments to the Land Use Code, specifically Section 5-13, and to Appendix E.
- Impact Fees must be established at a level no greater than necessary to defray impacts related to the proposed development, and not to remedy existing shortage of affordable housing.
- Fees must be assessed according to a schedule that is legislatively adopted and apply to a broad class of property. The model would be enacted through an amendment to the Land Use Code, and updated administratively within Appendix E of the Code.
- The recommended fee calculation model and components and using the market-affordable price gap methodology appear to be legally justified.

Calculating the Market-Affordability Gap/Fee

The basic formula to calculate the market-affordable price gap involves a three-step process:

1. Calculate the amount that households in a certain income category can afford to pay for housing.
2. Determine the market price for housing using available previous home sales data.
3. Compare the market price to the affordable amount calculated to determine the gap. Use conversion factors to express the gap in per-unit, per employee and per square foot amounts.

San Miguel County's calculation for 2020 utilizing this formula is illustrated in the following spreadsheet:

San Miguel County Fee Calculation Model		2020
12/3/2021		
Income Targets		
Area Median Income (AMI) 100% - household size	2	4
Maximum Income	\$ 68,200	\$ 85,200
Affordable Price		
Affordable Monthly Payment (30%)	\$ 1,705	\$ 2,130
Affordable principal and interest (80% of pmt)	\$ 1,364	\$ 1,704
HOA dues, property taxes, insurance (20%)	\$ 341	\$ 426
Assumed Mortgage interest rate	5.0%	5.0%
Maximum mortgage	\$ 254,088	\$ 317,424
Maximum affordable price - 5% down	\$ 267,461	\$ 334,130
Market Price		
Market Price per SF of heated floor area	\$ 785	\$ 785
Assumed Affordable Unit Size	850	1075
Market Price per Unit	\$ 667,291	\$ 843,927
Market-Affordability Gap/Fee		
per Affordable Unit	\$ 399,830	\$ 509,796
Per SF of affordable unit (per unit gap/Unit Size)	\$ 470	\$ 474
Per Employee (per unit gap/1.6 employees per unit)	\$ 249,894	\$ 318,623



The variables impacting the bottom line are described for each of the main components of the formula 1) affordable price; 2) market price; and 3) market-affordability gap/fee.

Affordable Price

The affordable purchase price calculation involves the following main variables.

- Income – There are differing levels for qualifying household income used by the region’s local governments related to affordable housing requirements. The County’s impact fees are based on 100% AMI (Area Median Income for San Miguel County), which is published annually by HUD (US Housing & Urban Development).
- Percentage of Income Spent on Housing Payment – The percentage among resort communities examined is 30%. Per the 2018 SMC Housing Needs Assessment, households spending over 30% of their annual income on housing costs are considered to be cost burdened. For purposes of calculating impact fee amounts, governments usually assume that housing is affordable if 30% of gross household income covers the monthly mortgage (PITI – principal, interest, taxes, and insurance) or rent payment.
- Property Taxes, Insurance and HOA fees – It is assumed that 20% of the housing payment covers taxes, insurance and HOA fees.
- Mortgage Interest Rate – San Miguel County assumes a 5% interest rate for purposes of this calculation. The interest rate assumed for calculating the maximum affordable mortgage amount impacts the affordable price and resulting gap/fee. For example, with a 30-year mortgage at 4.25%, a buyer could borrow 4.188 times their annual income assuming that 30% of their income covers PITI. At 5.25% they could only borrow 3.725 times their income. If buyers do not have a 20% down payment they will also have to purchase mortgage insurance. The Town of Telluride assumes a 5% interest rate.
- Down Payment – The communities surveyed assume employees can afford 5% down.
- Mortgage Term – The communities studied calculate the affordable purchase price based upon a 30-year fixed rate amortizing mortgage.

Market Price

- Source of Sales Data – Assessor records are comprehensive, unbiased, public and relatively easy to obtain but they are not easily compiled for use in developing these county impact fees. The MLS sales reports produced by real estate offices were used and were acquired and provided by Town of Telluride.
- Sales Type – Only free market real estate sales are included. Property sales are excluded that are subject to use or occupancy restrictions, such as restrictions that require accommodations uses for any period of time (fractional ownership), or affordable housing deed-restrictions.
- Location – There is significant price variation by area within San Miguel County. Real estate sales occurring within the Telluride Region, as identified in the San Miguel County Master Plan, are used. This region encompasses the Towns of Mountain Village and Telluride and surrounding subdivisions in the unincorporated county. Sales from within these two municipalities are included in the County’s impact fee calculation since most of the employee generation in the county occurs here in the east end.



- Types of Units included – Sales of dwelling units within duplex and multi-family buildings are employed for this study as those unit types most closely match housing occupied by qualified households. Single-family residences with acreage were excluded; this removes variations associated with attached land and amenities.
- Average vs Median Price – The market price per square foot can be expressed as a median or average. The average price per square foot is typically higher than median price; the average is more influenced by high-end home sales.
- Period Covered – The sales from the three previous calendar years is utilized. Three years of data are used rather than just the one previous year to increase the sample size and reduce the margin of error. This also reduces fluctuations in the sales values due to market volatility.
- Size of Employee Unit – The final step in the calculation of market price is to apply the average price per square foot to the square footage of the employee housing unit. The size of the employee housing units was determined using the Telluride Affordable Housing Guidelines, amended June 4, 2021. The average of the minimum and maximum square feet for Unit type from the Unit Size Standards table, Section 210.1., was utilized and took into account minimum household size for said unit types in Section 103.3. B.

Market Affordability Gap/Fee

The final step in the fee calculation process is the subtraction of the affordable price from the market price. The result is a per affordable housing unit gap. The unit gap is divided by the assumed unit size(s) to yield the per square foot gap fee.

Conversion factor:

- Number of employees per Household – The average in San Miguel County is 1.6 employees per unit based upon the Telluride San Miguel County Regional Community Survey 2002. The 2018 SMC Housing Needs Assessment survey states the number of employees per households has increased per age groups surveyed, but didn't identify the total number per household.

San Miguel County Impact Fee Model Recommendation

Income Targets

Income targets are based on the 2020 HUD Area Median Income (AMI) amounts for San Miguel County. The figures for two person households are provided for comparison. For San Miguel County, a 100% AMI category is used since the County's code does not specify multiple income categories.

Affordable Price

A key variable in the fee calculation formula is the mortgage interest rate, which is assumed to be 5% and is used for the 2021 calculation. A down payment of 5% is used. Increasing the down payment and decreasing the interest rate increases the affordable price and would therefore lower the impact fees. Should interest rates rise in the future, the rate used for the fee can be adjusted.

Several other variables involved in the calculation of affordable prices include the percentage of income that is affordable to spend on housing payments, the percentage of the monthly payment that covers mortgage principal and interest, the percentage of the payment that pays for HOA fees, property taxes



and property insurance, and the term of the mortgage. The term and rates used for this model are as follows:

- Interest rate = 5%;
- Down Payment = 5%;
- Affordable housing payment = 30% of income;
 - Mortgage principal and interest = 80% of affordable housing payment;
 - HOA fees, property taxes and insurance = 20% of affordable housing payment;
- The mortgage term = 30 years at a fixed rate.

The sizes of the affordable housing units assumed for this model are 850 s.f. (square feet) for a two-person household and 1075 s.f. for a four-person household. The source of these unit sizes is the Telluride Affordable Housing Guidelines. By comparison the LUC definition for “Population Density” specifies up to 900 s.f. for 2 people, 900-1500 s.f. for 3 people, and over 1500 s.f. for four people. However, affordable housing units tend to be smaller. Therefore, staff recommends using the sizes from the Telluride Affordable Housing Guidelines. Increasing the size would increase the impact fee.

Market Price

The most significant variables in the determination of the market price per square foot and the resulting market-affordability gap fee are location of real estate sales and improvement types. Through discussions with county staff and Town of Telluride staff, it was determined to use residential sales occurring in the Telluride Region and of those, only use housing units within duplexes and multi-family buildings. It does create a more Telluride-and Mountain Village-centric sales sample. Excluding the sales of single-family residences results in sales that are more representative in size and improvement type to the affordable housing units that will be developed with impact fees in the future or purchased by locals in terms of size, design and density, and eliminates the variables associated with single-family properties, which may have many more amenities as well as land.

Staff was able to use a spreadsheet provided by the Town of Telluride of sales compiled for prior years. There is a sufficient quantity of real estate sales each year needed to produce reliable data for this impact fee methodology.

Period Covered

Three prior years of real estate sales data is utilized rather than just a single prior-year period to calculate a market price per square foot utilized in this model. The following measures of central tendency are analyzed:

- 1) Average annual sales price per square foot (Avg SP/SF).
- 2) Median annual sales price per square foot (Med SP/SF).
- 3) Dividing the sum of total annual sales by the total square footage for all sales (Total Sales/SF).

The following chart illustrates these three measures of dwelling unit sales per square foot for the sales years 2015 – 2020. The sales price for Total Sales/Total SF (green) is the highest value each year. The Average (yellow) and Median (blue) annual sales prices per square foot per year are lower. The mean of the three prior-period Average price per square foot (purple) is included starting in 2017. This measure



reduces the variability of the annual real estate sales and would therefore minimize annual fluctuations in the level of the proposed impact fees.

Figure 1 – Comparison of Market Sales Price Per Square Foot measures (Telluride Region).



The following table presents the compiled sales data that was used to determine the market price per square foot for model years 2019, 2020 and 2021. Staff utilized the average of the three (3) prior year's average annual sales price per square foot (Average SP/SF) to develop the San Miguel County Fee Calculation Model. For example, the model year 2021 below utilizes sales from 2018, 2019 and 2020.

Table 1 Three year Averages of Market Price measures

Impact Fee Year: 2019				Impact Fee Year: 2020				Impact Fee Year: 2021			
Prior Sales Year	Total SP/SF	Median SP/SF	Average SP/SF	Prior Sales Year	Total SP/SF	Median SP/SF	Average SP/SF	Prior Sales Year	Total SP/SF	Median SP/SF	Average SP/SF
2018	793	755	801	2019	830	730	772	2020	975	850	899
2017	829	729	783	2018	793	755	801	2019	830	730	772
2016	744	714	717	2017	829	729	783	2018	793	755	801
3 year Average prior sales years	788.69	732.69	766.89	3 year Average prior sales years	817.16	738.05	785.05	3 year Average prior sales years	865.83	778.57	823.83

The recommended impact fee calculation model and components for San Miguel County (2021) follow. The mean of the three prior sales years of the Average Market Sales Price per Square Foot value is \$824. The 100% Area Median Income (AMI) figures are \$68,200 for a 2-person household and \$85,200 for four persons. The market-affordability gap per unit for the 1,075 s.f. unit is \$565,998; per employee is \$353,749; and is \$527 per improvement square foot. The corresponding gap per unit for an 850 s.f. unit is \$444,560; per employee \$277,850; and \$523 per s.f. Among the three measures of market-affordability gap (per unit, per employee, and per square foot) per square foot of affordable unit has the least variation.

From the following 2021 model, staff proposes utilizing a 4-person household size with the \$527 per square foot market affordability gap (per unit gap/unit size) in determining impact fees for affordable housing mitigation.



Model Year 2021

Recommended Fee Calculation Model and Components for San Miguel County									
San Miguel County Fee Calculation Model				2021					
2/10/2022									
Income Targets									
Area Median Income (AMI) 100% - household size				2	4				
Maximum Income				\$ 65,200	\$ 81,500	Enter data here (HUD)			
Affordable Price									
Affordable Monthly Payment (30%)				\$ 1,630	\$ 2,038				
Affordable principal and interest (80% of pmt)				\$ 1,304	\$ 1,630				
HOA dues, property taxes, insurance (20%)				\$ 326	\$ 408				
Assumed Mortgage interest rate				5.0%	5.0%				
Maximum mortgage				\$ 242,911	\$ 303,639				
Maximum affordable price - 5% down				\$ 255,696	\$ 319,620				
Market Price									
Market Price per SF of heated floor area				\$ 824	\$ 824	Enter Market Price per SF here			
Assumed Affordable Unit Size				850	1075				
Market Price per Unit				\$ 700,256	\$ 885,618				
Market-Affordability Gap/Fee									
per Affordable Unit				\$ 444,560	\$ 565,998				
Per SF of affordable unit (per unit gap/Unit Size)				\$ 523	\$ 527				
Per Employee (per unit gap/1.6 employees per unit)				\$ 277,850	\$ 353,749				
Components of the model are summarized below									
Income Targets									
Based on FY 2020 HUD Area Median Family Income (AMI) for San Miguel County -100% AMI is \$81,500 4 person household									
2020 Household persons per occupied unit: San Miguel County - 2.24, Telluride - 2.16, Mountain Village 1.94									
Affordable Price									
A mortgage interest rate of 5.00% is used for 2020 calculation.									
Affordable housing payment = 30% of income									
Mortgage principal and interest = 80% of affordable payment									
HOA fees, property taxes and insurance = 20% of affordable payment									
Mortgage term is 30 years at a fixed rate									
Market Sales Price per Square Foot									
Area Covered: Sales within the Telluride Region Master Plan Area are used for San Miguel County's fee calculation									
Free market sales of units with duplex and multi-family buildings, ad with no housing deed-restrictions or occupancy restrictions									
Time Period of Sales: prior three year period 2018, 2019, 2020									
Unit Sizes: Avg of Min. and Max SF for 2Br and 3Br units Tell Aff Hsg Guidelines 8/13/2019									
Conversion Factors									
Factor of 1.6 employees per unit was used. This figure was generated in 2005 Employee Housing Impact Fee Support Study. 1.6 per 2011; 1.56 per 2018 Housing Needs Asses									
To convert into per-square foot fee amounts: used Assumed Affordable Unit Size square fee per affordable Unit									



Calculating Affordable Housing Mitigation

In 2007 the County adopted affordable housing requirements for single family and duplex residential development based on an employee generation rate formula developed in 2000 by the Residential Job Generation Study for San Miguel County, and in 2005 with the SMC Employee Housing Impact Fee Study. The creation of this formula includes data derived from San Miguel County; therefore this generation rate formula is applicable to San Miguel County and provides the generation rate linkage (nexus) to San Miguel County imposing affordable housing mitigation requirements.

The first step in calculating the amount of required mitigation is to determine the number of “Employees Generated” by development. Two components comprise the residential development employee job generation rate formula: (1) number of employees generated by a residential dwelling after it has been constructed [Operations and Maintenance]; and (2) permanent construction employees generated.

$$1. \text{“Employees Generated”} = 0.070174(e)^{(0.000322 \times \text{Proposed Floor Area})} + (.0044 \times \text{Proposed Floor Area})$$

The residential construction job Generation Rate table is provided in Appendix D of this report

The second step, determining the Floor Area of Employee Housing mitigation required, is based on:

- A. The number of square feet per Employee, which is currently a minimum of 350.
 - B. The required Impact Mitigation Rate percentage, which is currently 37% per LUC Section 5-1303 G XVI
2. Floor Area of Employee Housing mitigation requirement = Employees Generated X Provision of square feet of Floor Area per employee generated X Impact Mitigation Rate

The final step is to determine the Impact fee required, is as follows:

3. Impact Fee = Floor Area of Employee Housing mitigation requirement X per square foot market affordability gap

Table 2 Example of Required Affordable Housing Mitigation

Variables	
Residential Floor Area (Type SF in yellow box)	4,000
Constants	
Maintenance FTE's Coefficient	0.070174
Exponential Coefficient	0.000322
Average Construction FTE's	0.0044
Sq. Ft. Per Employee per LUC	350
Impact Mitigation Rate per LUC	37%
Per SF of affordable unit (per unit gap/Unit Size)	\$ 527
Mitigation Calculation	
Employees Generated	0.694418
Employee Housing SF to be provided	90
Impact Fee	\$ 47,391.59



The current Land Use Code requirements include a minimum of 350 square feet per employee and a flat 37% impact mitigation rate. A market gap fee of \$527 is proposed for 2022. No construction of housing units is required for affordable housing mitigation at any threshold or square foot level.

Scenario 1 in Figure 2 also includes a 350 s.f. employee minimum, a graduated impact mitigation percentage from 25% to 90%, and a market gap fee of \$527.

Scenario 2 includes a 400 s.f. employee minimum, a graduated impact mitigation percentage from 30% to 90%, and a market gap fee of \$527. The Town of Telluride uses a standard of 400 square feet per employee.

If no affordable housing units are required by the county for impact mitigation then the residential developer would pay the impact fee indicated in the following scenarios at all square foot levels.

If the construction of housing units is required for affordable housing mitigation by the county, Scenarios 1 and 2 illustrate how that is indicated at certain square feet levels.

If the required Employee Housing Square Feet (SF) to be provided by a residential development is equal to or less than number of square feet required for affordable housing mitigation by the Land Use Code (currently 350 feet) the payment of impact fees in lieu of mitigation shall apply. If the amount of required Employee Housing SF is greater, then the construction of employee housing unit is required. In the figure below, if an employee housing is required, the square footage of employee housing required is indicated in green in the table below.

Figure 2 – Scenario comparisons

Affordable Housing Unit Required			NO Affordable Housing Unit Required					
Table 00 - Comparison of Fees resulting from requirements for Single-family and Duplex development								
		Current	Scenario 1			Scenario 2		
SF Per Employee		350		350			400	
Mitigation %		37%		75%			90%	
Impact Fee/SF		527		527			527	
Square Footage	Employees Generated	Impact Fee	Graduated Mitigation Rate	Aff Housing SF to be provided	Impact Fee	Mitigation Rate	Aff Housing SF to be provided	Impact Fee
500	0.137	\$ -	0%	-	\$ -	0%	-	\$ -
1000	0.207	\$ -	0%	-	\$ -	0%	-	\$ -
1801	0.279	\$ 19,024	25%	24	\$ 12,854	30%	33	\$ 17,628
2501	0.354	\$ 24,133	35%	43	\$ 22,829	42%	59	\$ 31,308
3001	0.514	\$ 35,104	55%	99	\$ 52,182	66%	136	\$ 71,564
4001	0.694	\$ 47,392	75%	182	\$ 96,064	90%	250	\$ 131,745
5000	0.901	\$ 61,495	75%	237	\$ 124,651	90%	324	\$ 170,950
6000	1.144	\$ 78,104	75%	300	\$ 158,318	90%	412	\$ 217,122
7000	1.438	\$ 98,170	75%	378	\$ 198,993	90%	518	\$ 272,905
8000	1.802	\$ 123,007	75%	473	\$ 249,339	90%	649	\$ 341,951
9000	2.263	\$ 154,428	75%	594	\$ 313,031	90%	815	\$ 429,299
10000	2.856	\$ 194,934	75%	750	\$ 395,137	90%	1,028	\$ 541,902
11000	3.634	\$ 247,975	75%	954	\$ 502,653	90%	1,308	\$ 689,352
12000	4.664	\$ 318,314	75%	1,224	\$ 645,231	90%	1,679	\$ 884,889
* No fee for dwellings < 1800 sf								

* No fee for dwellings < 1800 sf



However, if the mitigation requirement exceeds the maximum ADU maximum size allowed (800 s.f. in Low (L) and Medium Density (MD) zone districts), then the developer will build the maximum sized ADU unit permitted and pay the balance in impact fees. In the following scenario the developer of a 12,000 sq. ft. residence would be required to construct an 800 sq. ft. ADU on the residence parcel and to pay an impact fee in the amount of \$463,289, which is the difference of [\$884,889 - \$421,600].

Figure 3 – Scenario – Zone District (L and MD) with 800 sf ADU maximum size

Variables	
Residential Floor Area (Type SF in yellow box)	12,000
Table Housing Floor Area (Type SF in yellow box)	800
Constants	
Maintenance FTE's Coefficient	0.070174
Exponential Coefficient	0.000322
Average Construction FTE's	0.0044
Sq. Ft. Per Employee per LUC	400
Impact Mitigation Rate per LUC	90%
Per SF of affordable unit (per unit gap/Unit Size)	\$ 527
Mitigation Calculation	
Employees Generated	4.664184
Employee Housing SF required	1,679
Impact Fee	\$ 884,889
Credit for Affordable Housing Unit constructed	\$ (421,600)
Net Impact Fee	\$ 463,289

Appendices

- A. Current Impact Fee Table
- B. Proposed Impact Fee Table 2021
- C. Proposed Impact Fee template 2021
- D. Affordable Unit Size
- E. Employee Generation Tables
- F. HUD Income Table
- G. R-1 School District Map
- H. Telluride Master Plan Region Boundary Map
- I. Implementation & Recommended Changes to the Current Land Use Code



Appendix A: Current Impact Fee Table

Table 1 - Fees resulting from SFR, Duplex development:						
Current formula = $\{[(.070174e.000322*SF) * (\text{mitigation rate})] + [(sf * .0044) * (\text{mitigation rate for that year})]/40\}$						
• per employee subsidy – Credit) = Impact Fee						
Square Footage	Employees Generated	Fee				
500	0.137	\$ -				
1000	0.207	\$ -				
1500	0.279	\$ -	* No fee for dwellings < 1800 sf			
2000	0.354	\$ 3,092				
3000	0.514	\$ 4,388				
4000	0.694	\$ 5,984				
5000	0.901	\$ 7,995				
6000	1.144	\$ 10,579				
7000	1.438	\$ 13,951				
8000	1.802	\$ 18,413				
9000	2.263	\$ 24,379				
10000	2.856	\$ 32,418				
11000	3.634	\$ 43,320				
12000	4.664	\$ 58,171				



Appendix B: Proposed Impact Fee Table 2022

Affordable Housing Unit Required		NO Affordable Housing Unit Required		
Proposed Impact Fee Table for Residential Development				
Model Year		2021		
SF Per Employee			400	
Maximum Mitigation %			90%	
Impact Fee/SF			527	
Square Footage	Employees Generated	Mitigation Rate	Aff Housing SF to be provided	Impact Fee
500	0.137	0%	-	\$ -
1000	0.207	0%	-	\$ -
1801	0.279	30%	33	\$ 17,628
2501	0.354	42%	59	\$ 31,308
3001	0.514	66%	136	\$ 71,564
4001	0.694	90%	250	\$ 131,745
5000	0.901	90%	324	\$ 170,950
6000	1.144	90%	412	\$ 217,122
7000	1.438	90%	518	\$ 272,905
8000	1.802	90%	649	\$ 341,951
9000	2.263	90%	815	\$ 429,299
10000	2.856	90%	1,028	\$ 541,902
11000	3.634	90%	1,308	\$ 689,352
12000	4.664	90%	1,679	\$ 884,889
* No fee for dwellings < 1800 sf				



Appendix C: Impact Fee Calculator 2022

Affordable Housing Mitigation Fee Calculator Single-family Residence / Duplex						
Project Name						
Address/Location						
Property Owner						
Date						
Calculation of residential affordable housing mitigation required						
New Construction				Square	Footage	Mitigation Rate
				0	1800	0%
Variables				1801	2500	30%
Residential Floor Area (Type SF in yellow box)				2501	3000	42%
Affordable Housing Floor Area (Type SF in yellow box)				3001	4000	66%
				4001	12000	90%
Constants						
Maintenance FTE's Coefficient				0.070174		
Exponential Coefficient				0.000322		
Average Construction FTE's				0.0044		
Sq. Ft. Per Employee per LUC				400		
Impact Mitigation Rate per LUC				0%		
Per SF of affordable unit (per unit gap/Unit Size)				\$ 527		
Mitigation Calculation						
Employees Generated				0.070174		
Employee Housing SF required				-		
Impact Fee				\$ -		
Credit for Affordable Housing Unit constructed				\$ -		
Net Impact Fee				0		
Additions						
Variables						
EXISTING Residential Floor Area (Type SF in yellow box)				-		
ADDITIONAL Residential Floor Area (Type SF in yellow box)				-		
Total Residential Floor Area				-		
Affordable Housing Floor Area (Type SF in yellow box)				-		
Constants						
Maintenance FTE's Coefficient				0.070174		
Exponential Coefficient				0.000322		
Average Construction FTE's				0.0044		
Sq. Ft. Per Employee per LUC				400		
Impact Mitigation Rate per LUC				0%		
Per SF of affordable unit (per unit gap/900 SF)				\$ 527		
Mitigation Calculation						
Employees Generated				-		
Employee Housing SF to be provided				-		
Impact Fee				\$ -		
Credit for Affordable Housing Unit constructed				\$ -		
Net Impact Fee				0		

Appendix D: Affordable Unit Size

Assumed Affordable Unit Size		
Unit Type	Household size	Square Feet
Studio	1	350
1 Br	1	525
2 Br	2	850
3 Br	3	950
3 Br	4	1,075
4 Br	4	1,200

San Miguel County Land Use Code 6 - 24 November 2021

Population Density

A measure of the number of persons that could be accommodated in a development, determined on the following basis:

- (1) Hotel or Lodge Unit, Guest Ranch or Bed and Breakfast Bedroom - 1.5 people;
- (2) Dwelling Unit with Floor Area less than 900 sq. ft. - 2 people
- (3) Dwelling Unit with Floor Area between 900 sq. ft. and 1,500 sq. ft. - 3 people
- (4) Dwelling Unit with Floor Area greater than 1,500 sq. ft. - 4 people

5-1303 E. **Size, Location and Occupancy of Mitigation Units**

Deed restricted housing constructed as affordable housing impact mitigation shall provide the following :

minimum square feet	350
---------------------	-----

Telluride Affordable Housing Guidelines

Household Size - the total number of people in a Household shall not be less than the following Minimum Household Sizes

Unit Type	Min Household size
1 Br/Studio	1 person
2 Br	2 persons
3 Br	3 persons
4 Br	4 persons

Unit Size Standards

Unit Type	Min Sq Ft	Max Sq Ft
1 Br/Studio	450	600
2 Br	750	950
3 Br	950	1,200
4 Br	TBD	TBD



Appendix E: Employee Generation Tables

Residential Employee Job Generation Rate Tables ¹							
Square Feet	FTE's Generated (Construction) ¹	FTE's Generated (Maintenance) ²	FTE's Generated (Total)				
1,000	0.11	0.097	0.207				
2,000	0.22	0.134	0.354				
3,000	0.33	0.184	0.514				
4,000	0.44	0.254	0.694				
5,000	0.55	0.351	0.901				
6,000	0.66	0.484	1.144				
7,000	0.77	0.668	1.438				
8,000	0.88	0.922	1.802				
9,000	0.99	1.273	2.263				
10,000	1.10	1.756	2.856				
11,000	1.21	2.424	3.634				
12,000	1.32	3.344	4.664				
13,000	1.43	4.615	6.045				
14,000	1.54	6.368	7.908				
¹ Table data established by RRC Associates, Inc. and the Housing Collaborative, LLC in the 2000 Residential Job Generation Study provided to San Miguel County.							
² The FTEs generated by construction employment were calculated using the formula $Y = 11 \text{ employees} \times (\text{square feet} / 1000)$							
³ The FTEs generated by ongoing services and maintenance were calculated using the formula $(Y = 0.070174e0.000322 \times \text{Square Feet})$							

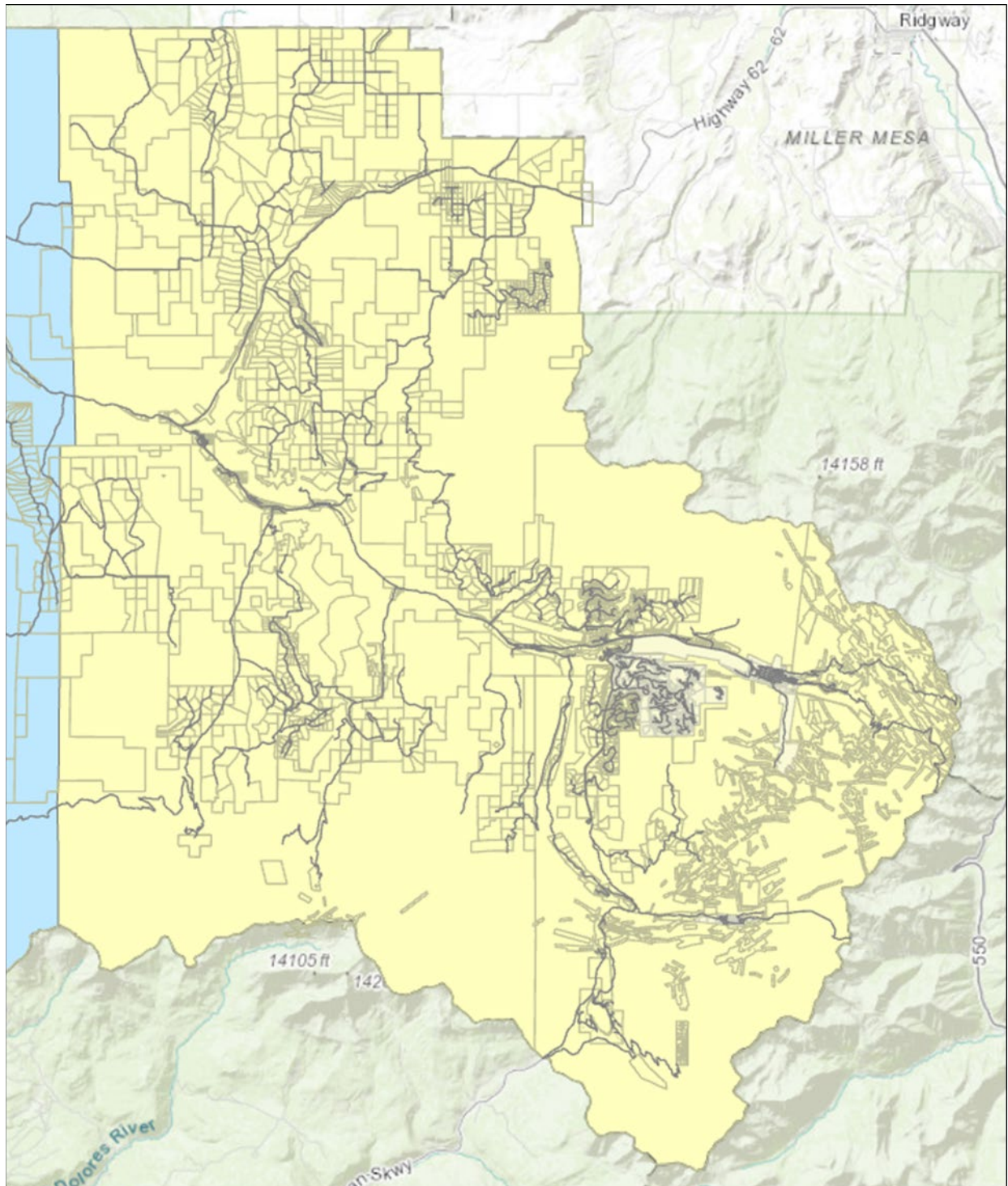


Appendix F: HUD Income Table

					Obtain information from HUD Annual Income Limits summary			
Model	Area	Fiscal Year	Persons in Family		Income Limit	Persons in Family		
Year			2	4		2	4	
2019	SMC	2018	\$ 68,000	\$ 84,900	50%	\$ 34,000	\$ 42,450	
2020	SMC	2019	\$ 68,200	\$ 85,200	50%	\$ 34,100	\$ 42,600	
2021	SMC	2020	\$ 65,200	\$ 81,500	50%	\$ 32,600	\$ 40,750	
2022	SMC	2021	\$ 68,400	\$ 85,500	50%	\$ 34,200	\$ 42,750	
2023	SMC	2022	\$ -	\$ -	50%			Enter data here (HUD)
2024	SMC	2023	\$ -	\$ -	50%			
2025	SMC	2024	\$ -	\$ -	50%			
2026	SMC	2025	\$ -	\$ -	50%			
2027	SMC	2026	\$ -	\$ -	50%			



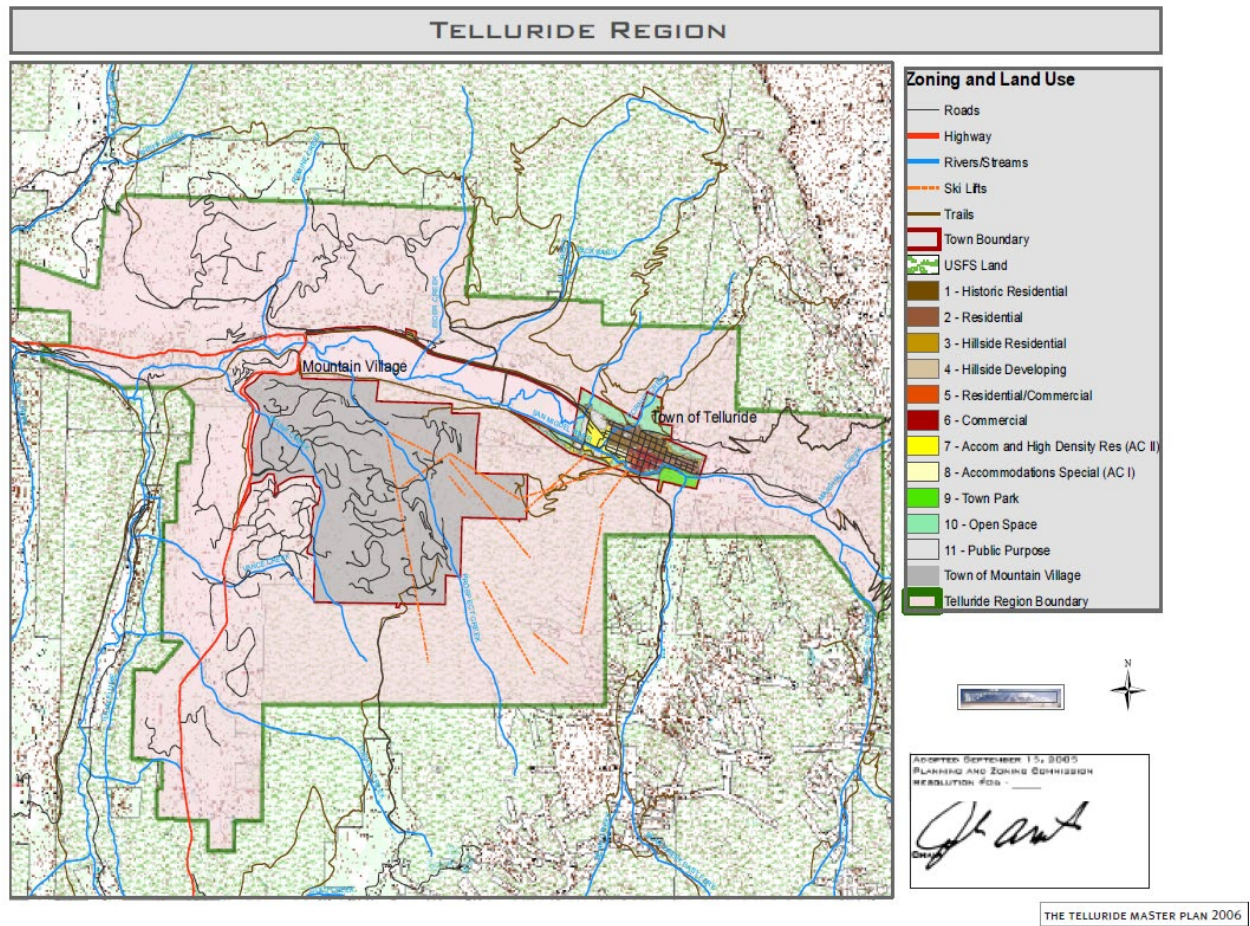
Appendix G: Telluride R-1 School District Map





Appendix H: Telluride Region Map

TELLURIDE REGION MAP





Appendix I: Implementation & Recommended Changes to the Current Land Use Code

The adoption of the fee structure as presented in this report has significant implications for the Affordable Housing section of the current County land use code. A summary of these recommended code revisions follows.

- I. *Accessory Dwelling Units*: The residential development fee structure presented is based on the affordable housing mitigation required. A requirement to construct an ADU is included in the basis of this fee structure and it is recommended that it be added to the code.
- II. *Deed Restriction*: Adopt ADU Deed Restriction Covenants that include minimum occupancy requirements applicable to all accessory dwelling units required to be constructed for affordable housing mitigation.
- III. *Updating the Affordable Housing Fee Schedule*: The components of model that need to be updated annually and those processes to do so are identified.

The following sections address the above items in more detail.

I. *Accessory Dwelling Units:*

The development of one accessory dwelling unit per lot or parcels is allowed in the HD, MD and LD Zone Districts, only within the Telluride Region as defined in the Telluride Regional Area Master Plan, subject to compliance with all applicable standards in LUC Section 5-13. Caretaker units are an allowed use within the Forestry, Agriculture, Open (F) zone district subject to meeting all applicable Land Use Code standards.

The construction of accessory dwelling units (ADU), and of caretaker units located within the Telluride Region, should only be allowed, as required for impact mitigation, or if voluntarily constructed, designated for affordable housing by the property owner, and deed restricted as a condition of approval to promote affordable housing. This means that free market ADUs or caretaker units would no longer be permitted within the Telluride Region.

II. *Deed Restriction*

Although requiring an on-site ADU for the mitigation of employees as a condition of constructing a single-family residence in some zone districts would provide housing, the R-1 Deed Restriction is not restrictive enough to ensure that it is affordable and occupied by a qualified employee working in the R-1 School District.

A concern is that while units may be produced on site for mitigation of affordable housing, they may not be rented to qualified employees. They may be used for other purposes or sit vacant. Prior to 2007, the development of a single-family homes in some zone districts received County approval to construct an accessory dwelling unit as mitigation of affordable housing. Evidence gathered previously by the San Miguel County Regional Housing Authority suggested that less than 40% of those required Accessory Dwelling Units, even with the R-1 Deed restriction, were occupied by qualified employees. This discovery



regarding occupancy was an impetus for the County to discontinue the onsite ADU requirement in 2007, and institute a residential impact fee instead.

Imposing occupancy requirements (e.g. unit is not allowed to remain vacant for more than 90 days during the year and shall be leased for no less than 6 months at a time) would likely raise the occupancy rates, particularly if accompanied with enforcement. Staff recommends that ADU Deed Restrictions and Covenants be required that include minimum occupancy requirements applicable to all accessory dwelling units required to be constructed for affordable housing mitigation.

III. Updating the Affordable Housing Fee Schedule

Maintain the fee model and supporting tables within Appendix E of San Miguel County Land Use Code. Modifications to the fee structure could occur without having to amend the Land Use Code. County Planning staff shall update the Affordable Housing fee using the following method, which shall be calculated annually by April 30 each calendar year.

Update the following components of the San Miguel County Fee Calculation Model annually:

Step 1 - Income Targets –

- Obtain Fiscal Year (FY) Annual Income Limits Summary prepared annually by the US Housing and Urban Development for the San Miguel County, CO area, and utilize to obtain the 100% Income Limits utilized for developing impact fees by San Miguel County.
- Using the Very Low (50%) Income Limits (\$) obtain the incomes for 2 and 4 persons in a family. These income limits must be doubled to obtain the 100% county income target.
- Calculate the Maximum Affordable Price.

Step 2 - Market Price per Square Foot of Heated Floor Area –

- Utilize the Telluride Multiple Listing Service (MLS) to find and compile real estate sales that fit the following parameters:
 - i. Sales that occurred within the three (3) previous calendar years; and
 - ii. Free Market* Dwelling Units; and
 - iii. Duplex and multi-family occupancy; and
 - iv. Studio, one (1), two (2), and three (3) bedrooms; and
 - v. Within Telluride Region as defined in the County Master Plan.

* Free Market = housing units that are not subject to use or occupancy restrictions, such as deed-restricted housing or time share restrictions.

- Determine the Average annual sales price per square foot (Avg SP/SF). Calculate the Market Price per Unit.

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Land Use Code Amendment Changes

The following details revised and new sections of the current Land Use Code for your review. New text is underlined. Deletions are shown with ~~strike-through~~. Contains sections that are unchanged but provided for informational purposes.

ARTICLE 2

LAND USE POLICIES

SECTION 2-4: COMMUNITY BALANCE

It is the policy of the County to identify the carrying capacity of San Miguel County to achieve and maintain a social, economic and environmental balance in the community. Additionally, the County shall seek to maintain a balance between the peak population in the community and recreational activities and public services, taking into consideration the County's environmental carrying capacity and shall determine the appropriate impact mitigation ~~service level~~ required to develop and maintain an adequate stock of affordable housing.

SECTION 2-29: HOUSING

2-2908

Insure that housing units that are intended to mitigate the impacts of development upon affordable housing are located in the same general area as the development.

2-2909

Insure that all new employee generating development contributes its fair share to the housing of local residents in order to reduce commuting traffic, create social investment and maintain vitality within our community.

2-2910

It is the policy of the County to provide affordable employee housing for persons working in the County. This policy has been reiterated by the Board of County Commissioners and is formally recognized in this Code and by the establishment of the multi-jurisdictional housing authority created by San Miguel County and Towns of Mountain Village and Telluride. Revisions to this Code are necessary to further the goal of the County to provide housing that is affordable to the average person employed in the County so that further degradation of our community character is prevented and that the County continues to be a viable residential community.

San Miguel County has set the following priorities to further the goal of providing affordable housing:

1. Onsite construction of affordable housing units
2. Off-site construction of affordable housing units
3. Dedication of improved lots within a subdivision
4. Dedication of (raw or unimproved) land
5. Conversion of existing free market housing to deed restricted, appreciation Capped units in a manner acceptable to the Board of County Commissioners
6. Payment in-lieu (employee housing Impact Fees), to apply to development that has not otherwise fully mitigated its employee housing impacts

ARTICLE 3

PROCEDURES

3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, and Oil and Gas Development pursuant to Section 5-26) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Oil and Gas Development pursuant to Section 5-26. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

ARTICLE 4

SUBMISSION REQUIREMENTS

4-212 Employee Housing Mitigation Plan

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

ARTICLE 5

STANDARDS

SECTION 5-3 ZONE DISTRICT STANDARDS

5-302 High Density (HD)

5-302 D. Uses Allowed Subject to Administrative Review

- I. Accessory Dwelling Units, provided such units are subject to the

County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant (see Sections 5-1304 and 5-1305) ~~The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code;~~ and

5-302 K. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than twelve thousand (12,000) sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, as provided in Section 5-1302 B. II. g., of at least four hundred (400) sq. ft. but no greater than eight hundred (800) sq. ft.

5-303 Medium Density (MD)

5-303 D Uses Allowed Subject to Administrative Review

I. Accessory Dwelling Units, provided such units are subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant (see Sections 5-1304 and 5-1305) ~~The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code;~~ and

5-303 K. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than twelve thousand (12,000) sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, as provided in Section 5-1302 B. II. g., of at least four hundred (400) sq. ft. but no greater than eight hundred (800) sq. ft.

5-304 Low Density (LD)

5-304 D Uses Allowed Subject to Administrative Review

I. Accessory Dwelling Units, provided such units are subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant (see Sections 5-1304 and 5-1305) ~~The Floor Area of the~~

~~Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code; and~~

5-304 L. Uses Allowed Subject to Two-step Special Use Permit Review

Single-family Dwellings greater than 12,000 sq. ft. require Planning Commission and Board of Commissioner Special Use Permit review pursuant to Section 5-307 L.

I. Such dwellings must include one Accessory Dwelling Unit subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, as provided in Section 5-1302 B. II. g., of at least four hundred (400) sq. ft. but no greater than eight hundred (800) sq. ft.

5-307 Forestry, Agriculture and Open (F)

5-307 C. Uses Allowed Subject to Administrative Review

I. Caretaker unit - a second residential unit may be allowed on all parcels, 35 acres or larger; and on parcels 5 to 35 acres in the Telluride R-1 School District, provided such units are subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant (see Sections 5-1304 and 5-1305), except no caretaker units shall be allowed in the San Miguel Canyon Area. Such unit shall be attached to or located within three hundred (300) feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more than two thousand (2,000) sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. ~~The Floor Area of the caretaker unit shall be included in the calculation for employee housing Impact Fee mitigation as defined in Section 5-13 of this Code.~~ No lease or rental of a caretaker unit shall be less for a term less than six (6) months ~~than 30 days or more than five years~~. Caretaker units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

5-307 L. Single-family Dwellings over twelve thousand (12,000) sq. ft. of Floor Area on a minimum of thirty-five (35) acres.

I. Such dwellings must include one Caretaker or Accessory Dwelling Unit (depending upon Zone District) subject to County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, as provided in Section 5-1302 B. II. g., of at least four hundred (400) ~~800~~ sq. ft. but no greater than two thousand (2,000) sq. ft. for a Caretaker Unit and of at least four hundred (400) ~~700~~ sq. ft. but no greater than eight

hundred (800) sq. ft. for an Accessory Dwelling Unit.

SECTION 5-13: ACCESSORY DWELLING UNITS AND AFFORDABLE HOUSING

5-1301 General

This section of the Code establishes standards for accessory dwelling and affordable housing.

5-1302 Accessory Dwelling Units

5-1302 A. Applicability

One accessory dwelling unit per lot or parcel may be approved in the HD, MD and LD Zone Districts (only within the Telluride Region as defined in the Telluride Regional Area Master Plan) subject to compliance with the standards in this section. Refer to sections 3-4 and 4-7 for procedures and submission contents.

5-1302 B. Standards

- I. An accessory dwelling unit shall not be:
 - a. Rented for a term less than six (6) months.
- II. An accessory dwelling unit shall:
 - a. Provide off-street parking in compliance with Section 5-702;
 - b. Be limited to a maximum size of eight hundred (800) square feet;
 - c. Be built in accordance with the County's adopted Uniform Building Code;
 - d. Be attached to the main residence, unless either no higher than sixteen (16) feet or located within a customary residential accessory building, such as a garage;
 - e. ~~Not in~~ In combination with the principal residence not exceed the maximum allowable floor area of the applicable zone district; and
 - f. Comply with the San Miguel County Sanitation Regulations.
 - g. Be subject to the County R-1 Housing Deed-Restriction (see

Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant.

5-1303 Affordable Housing in the Telluride R-1 School District

To promote affordable housing, impact mitigation shall be required as a condition of approval pursuant to this Code for the following types of development in the Telluride R-1 School District: office, restaurant and retail, hotel, residential, multi-family, and ski area, and other commercial uses, based on the formulas in this section. ~~In the interest of maintaining fairness and simplicity, all fractions shall be rounded down to the nearest whole number.~~ “Fee” refers to a monetary amount paid for Residential (single-family and duplex) Development: “Mitigation” refers to required construction of an employee housing unit(s) for Commercial Development, Multi-family and Residential Development if required.

5-1303 E. Size, Location and Occupancy of Mitigation Units

Deed restricted housing constructed as affordable housing may be occupied by any person(s) qualifying under the deed restriction established by these County regulations or as approved by the Board of Commissioners. Families may occupy larger units or portions thereof if at least one member of the family qualifies under the deed restriction, and additional occupants also must qualify under the deed restriction.

- I. Deed restricted housing constructed as affordable housing impact mitigation shall provide:
 - a. At least four hundred (400) ~~350~~ sq. ft. of space and
 - b. Full living, kitchen and sanitation facilities for each employee required to be housed.
- II. Affordable housing units shall be constructed on the site of the primary development, except as allowed by the Board of County Commissioners.
- III. Affordable housing units shall be constructed simultaneously with the primary development. In residential subdivisions, the required affordable housing lots platted shall be available to qualified employees at the same time that free market lots are offered for sale.

5-1303 G. Employee Housing Impact Fee/Mitigation

- I. The employee housing Impact Fee/Mitigation applies to all Development for which a Building Permit application is applied for and approved by the County, unless exempted from payment of the employee housing Impact Fee/Mitigation pursuant to Section 5-

1303. G. XI of this Code, or that has otherwise fully mitigated its Employee Housing Impacts in accordance with the applicable LUC provisions. The employee housing Impact Fee/Mitigation applies to:

- a. the new construction of a Building for which a Building Permit is required under the County's Building eCodes;
 - b. the construction of an addition to an existing Building for which a Building Permit is required under the County's Building Code; or
 - c. a change in use where the new use generates more employees than the previous use generated.
- II. The purpose of the employee housing Impact Fee/Mitigation is to require the applicable development to pay to mitigate the impacts of development and land use to the employee housing stock managed or controlled by the County or its authorized designee, the San Miguel Regional Housing Authority.
- III. The employee housing Impact Fee/Mitigation is based on the difference between the free market price of housing in the Telluride Region and the price that is affordable to households with incomes equivalent to the Area Median Income. The ~~method~~ variables used in calculating the employee housing Impact Fee/Mitigation has ~~have~~ been adopted by the Board of County Commissioners based upon research conducted by Planning staff. RPI Consulting. ~~The variables include: the number of employees generated by the types of development, current level of service (i.e., how many employees working in the R-1 School District are living in deed restricted housing), the subsidy needed per employee to construct employee housing, and the credit developers receive for future payment towards employee housing through Town of Mountain Village and Town of Telluride sales taxes.~~
- IV. The employee housing Impact Fee constitutes a fee of general applicability within the County and as such shall be applicable to all property located within the Telluride R-1 School District in the unincorporated County.
- V. Responsibility for Administration and Collection of Employee Housing Impact Fee. The employee housing Impact Fee will be determined by the County's Building Department or any other entity determined by the Board of County Commissioners to collect such employee housing Impact Fee. The Building Department will determine the Square Footage of Floor Area of a project for purposes of calculating the required employee housing Impact Fee. The

Planning Office will make all other determinations and interpretations regarding employee housing Impact Fee administration required to properly implement these regulations, including, but not limited to, the calculation of any applicable credit as defined in this Code. The County intends to use the money solely for defraying the cost of capital facilities for deed-restricted, affordable housing pursuant to State of Colorado Statute 29-20-104.5.

- VI. When Employee Housing Impact Fee is Calculated and Due. The employee housing Impact Fee shall be a condition of a receipt of a Development Permit and shall be calculated and paid at time of issuance of a Building Permit.
- VII. Calculation of Employee Housing Impact Fee. The employee housing Impact Fee shall be calculated based upon the type of Development authorized to be constructed by the Building Permit, the number of employees generated by the development, and the total Square Footage of Floor Area proposed to be constructed as authorized by the Building Permit.
- VIII. Determination of Square Footage of Floor Area subject to Employee Housing Impact Fee. The determination of the Square Footage of Floor Area of a Building that is subject to the employee housing Impact Fee will be calculated based on the San Miguel County Land Use Code, and the Department's policies, procedures and methods of calculating Square Footage of Floor Area under this Code.
- IX. Mixed Use Buildings. For Buildings that are mixed use (e.g., Commercial/Industrial/Residential Buildings) the employee housing Impact Fee/Mitigation will be applied as follows:
 - a. Residential area two (2) units or fewer will be charged the employee housing Impact Fee for Residential Development.
 - b. Commercial area will be required to provide employee housing Impact Mitigation for that Commercial Development, Hotel Development, and Ski Area Development which ever applies.
 - c. Multi-Family Development (three (3) units or more) will be required to provide employee housing Impact Mitigation.
- X. Multiple Types of Buildings on One Lot. All Buildings constructed on the same Lot or Parcel will be charged the employee housing Impact Fee or be required to provide employee housing Impact Mitigation based on the Building Permit issued for that each Building.

- XI. Exemptions to the Employee Housing Impact Fee/Mitigation. An employee housing Impact Fee/Mitigation will not be required to be paid or constructed for the following categories of Development:
- a. Any Single-family Residence, Duplex, Multi-family unit or Lot that is Deed-Restricted under the County R-1 Housing Deed Restriction, Covenant or other restriction approved by the Board of County Commissioners is exempt from paying the Impact Fee.
 - b. Change of Use. Change of use without adding additional Square Footage of Floor Area or without increasing employee generation as determined herein will not result in the assessment of an employee housing Impact Fee/Mitigation.
 - c. Residential or Commercial Remodels. Commercial or Residential interior remodels that do not involve the construction of additional Square Footage or ~~without~~ do not increase employee generation as determined herein will not result in the assessment of an employee housing Impact Fee/Mitigation.
 - d. Affordable Housing in Subdivisions. Existing or proposed subdivisions that include deed-restricted affordable housing units properly restrained through deed-restrictions from open market sale or use to ensure that it is properly characterized as affordable housing, as such term is defined by this Code, may be given a level of credit to offset or mitigate the total employee housing Impact Fee assessed, unless there is an increase in the density or a change in use that increases employee generation. To evaluate and determine the level of credit assessed, the percent of deed-restricted, affordable housing units will be evaluated in relation to the impact mitigation required of that Development when approved.
 - e. Single-family Dwelling less than one thousand eight hundred (1,800) sq. ft. of Floor Area. The Board of County Commissioners finds that residential improvements less than one thousand eight hundred (1,800) sq. ft. are presumed to be occupied by local employees, and only residential improvements with a Floor Area of one thousand eight hundred (1,800) sq. ft. or larger should pay employee housing Impact Fees. This is based on the fact that residential improvements above one thousand eight hundred (1,800) sq. ft. of Floor Area have a strong tendency for non-resident occupancy, and the employee generation for non-resident occupied residential structures (second homes) is significantly greater than that for resident-occupied

improvements creating impacts beyond the County's ability to mitigate without a fee assessed for the development.

- f. Other Exemptions. The Board of County Commissioners may grant additional exemptions and waivers of the employee housing Impact Fee/Mitigation when deemed to be in the public interest due to special circumstances or unique situations where the Development provides community benefit(s), or where the value of such benefit(s) meets or exceeds the mitigation that would otherwise be required.

~~XII. Employee Housing Impact Fee Credit for Sales/Use Taxes to be Paid. The need for a credit arises from the fact that occupants of new Residences in the unincorporated portion of the R-1 School District will be required to pay their share of the cost of housing the employees they generate, but they are also likely to buy goods in the town of Telluride and Mountain Village and therefore pay into the sales/use taxes earmarked in those towns for affordable housing. The sales/use tax credit used in the employee housing Impact Fee calculations has been calculated by RPI consulting and adopted by the Board of County Commissioners.~~

XII. Right To Appeal Employee Housing Impact Fee Determination To Board of County Commissioners. Any person aggrieved by the decision of the Planning Office with respect to the administration of the employee housing Impact Fee under this Code will have the right to appeal such decision to the Board of County Commissioners pursuant to the Section 1-1903 of this Code. In addition, a developer may present alternative calculations of employee generation to the Board of County Commissioners for review and consideration.

~~XIII~~V. Future Revisions to Employee Housing Impact Fee Regulations. The employee housing Impact Fee regulations may be reviewed periodically and relevant mitigation requirements adjusted as determined appropriate by the Board of County Commissioners.

~~XIV~~. Employee Housing Impact Fee Calculation for Residential Development. The employee housing Impact Fee shall apply to the Development of Residences, as defined in this Code, whose housing impacts have not previously been mitigated. The employee housing Impact Fee also applies to:

- a. New additions to existing detached Single-family Buildings. The fee shall be assessed only for the additional square footage beyond the one thousand eight hundred (1,800) s.f. exemption threshold;
- b. New additions to existing Multi-Family Buildings that are

two (2) units or less;

- c. Accessory Dwelling Units (regardless of size), unless the unit is subject to the County R-1 Housing Deed-Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant; and
- d. Caretaker units (regardless of size), unless the unit is subject to the County R-1 Housing Deed-Restriction (see Sections 5-1304 and 5-1305) and ADU Deed Restriction Covenant.

XVI. Employee Housing Impact Mitigation Rate. All new Residential Development shall be assessed the Impact Mitigation Rate as set forth in the table below based on the size (sq. ft. of Floor Area) of the unit approved for each Development ~~of thirty-seven percent (37%) to~~ mitigate for the employees generated, service level, or a level as shall be amended from time to time by the Board of County Commissioners.

- a. Impact Mitigation Rate summary table. Appendix E, Table 1, of this Code sets forth the employee housing Impact Fee (per Residential unit) by year that will be assessed based on the size (sq. ft. of Floor Area) of the unit approved for each Development, pursuant to this Code.
- b. Appendix E, Table 2, of this Code sets forth the construction mitigation rate each year for residential development.

<u>Square Footage</u>		<u>Mitigation Rate</u>
<u>0</u>	<u>1,799</u>	<u>0%</u>
<u>1,800</u>	<u>2,500</u>	<u>30%</u>
<u>2,501</u>	<u>3,000</u>	<u>42%</u>
<u>3,001</u>	<u>4,000</u>	<u>66%</u>
<u>4,001</u>	<u>12,000</u>	<u>90%</u>

XVI. Generation rate of Employees for Single Family Residential and Duplex Dwellings.

- a. Generation Rate = $0.070174(e)^{0.000.322 \times \text{New Floor Area}}$ + 0.11 employees per 1,000 sf of New Floor Area

XVII. Market-Affordability Gap Fee. The formula to calculate the market-affordable price gap involves a three-step process:

- a. Calculate the amount that households in a certain income category can afford to pay for housing.
- b. Determine the market price for housing using available previous home sales data.
- c. Compare market price to the affordable amount calculated

to determine the gap. Use conversion factors to express the gap in per-unit, per employee and per square foot amounts.

- d. Appendix E, of this Code sets forth the procedures that shall be used by County Planning staff to calculate the Employee Housing Impact Fee, which shall be calculated by April 30 of each calendar year.
- e. Appendix E, Table 2, of this Code sets forth the Impact Fee Calculation each year for residential development.

~~XVIII. The Residential employee housing Impact Fee calculation is as follows:~~ Calculation for the Residential Employee Housing Impact Fee. The amount of Impact fee shall be calculated using the following formula, based on (A) the number of Employees generated by the development, as determined under XVI above (“Employees Generated”), multiplied by (B) the provision of four hundred (400) square feet of space per employee generated by the development as determined under 5-1303 E. I above (“Minimum Mitigation Unit Size”), and multiplied by (C) the Required Employee Housing Mitigation Rate as determined under XV above for single-family and duplex uses, multiplied by (D) the Market-Affordability Gap Fee per square foot.

Employees Generated X 400 sq. ft. X Required Percentage Mitigation Rate X Market-Affordability Gap Fee Per Square Feet

$$\{[(.070174e^{-00032228SF}) * (mitigation\ rate)] + [(sf * .0044) * (mitigation\ rate\ for\ that\ year)] / 40\} * per\ employee\ subsidy\ Credit = Impact\ Fee$$

XIX. Construction of a Deed-restricted Accessory Dwelling Unit (ADU) / Caretaker Unit is required if the Affordable Housing sq. ft. to be mitigated is 400 sq. ft. or greater, as calculated for residential development affordable housing mitigation. A Deed-restricted ADU in the (5-302 High Density (HD), 5-303 Medium Density (MD) and 5-304 Low Density (HD)) zone districts, or a Caretaker Unit in the 5-307 Forestry, Agriculture and Open (F) zone district shall be provided.

XX. Credit for the construction of Deed-restricted Accessory Dwelling Unit (ADU) / Caretaker Units will be granted as follows: Affordable Housing Unit Floor Area to be constructed X Impact Fee/SF. The amount of credit shall not exceed the amount of impact fee owed by residential developer.

~~XXI.~~ XVIII. Commercial Development is not required to pay an Impact Fee but is required to provide Affordable Housing Units as determined in Section 5-1303 A., 5-1303 B. and 5-1303 D.

XXII. Multi-Family Development is not required to pay an Impact Fee but is required to provide Affordable Housing Units as determined in Section 5-1303 C.

The San Miguel County Building Dept. is responsible for determining the impact fee per Section 5-1303 F. V. above.

5-1305 Guidelines, Rules and Regulations Governing Affordable Housing in the Telluride R-1 School District

5-1305 C. Ownership, Use and Occupancy Regulations

- I. The ownership of Affordable Housing shall be limited exclusively to Employees and their spouses and to Project Developers and Non-occupant Owners, the Housing Authority or its designee, the San Miguel County Board of Commissioners and the Town of Telluride.

a. The ownership restriction shall not apply to accessory dwelling units or caretaker units that are accessory to a principal single-family dwelling and deed-restricted pursuant to the requirements of LUC Section 5-1303 G. XIX.

ARTICLE 6

DEFINITIONS

Accessory Dwelling Unit

An additional dwelling unit, subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant, limited to a maximum of eight hundred (800) square feet, accessory to a single-family residence in the High Density, Medium Density or Low Density Zone District. ~~The Floor Area of the Accessory Dwelling Unit shall be included in the calculation for employee housing Impact Fee mitigation as defined in Section 5-13 of this Code.~~

Affordable Housing

Residential dwelling units in the Telluride Region that are permanently deed restricted by the County's R-1 Housing Deed Restriction that limit use and occupancy to persons (and their families) who live and earn their livings primarily in the R-1 School District of San Miguel County or such other deed restriction as approved by the BOCC.

Caretaker Unit

A second residential unit on a parcel in the F District, subject to the provisions of Section 5-307 C, that provides caretaking for a non-resident homeowner and/or a long-term rental opportunity for local workers. If located in the Telluride R-1 School District, and Caretaker Unit permitted and constructed after (month day, 2022) shall be subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant.

Deed Restricted Housing

Affordable Housing with the Deed Restriction set forth in Section 5-1304 R-1 Housing Deed Restriction, or as approved by the BOCC. See definition for affordable housing.

Employee Housing

See definition for Affordable Housing.

APPENDIX E

SAN MIGUEL COUNTY LAND USE CODE

EMPLOYEE HOUSING MITIGATION FEE METHOD & CALCULATION TABLES

The following table outlines the employee housing Impact Fee (per Residential unit) that will be assessed each year based on the size of the unit (sq. ft. of Floor Area) approved for each Development, pursuant to this Code:

TABLE 1: EMPLOYEE IMPACT FEE BASED ON SIZE OF RESIDENTIAL UNIT AND YEAR OF CONSTRUCTION			
FLOOR AREA (sq. ft.)	2007	2008	2009
1,000	\$ 1,643	\$ 1,698	\$ 1,754
2,000	\$ 2,350	\$ 2,461	\$ 2,572
3,000	\$ 3,275	\$ 3,441	\$ 3,608
4,000	\$ 4,500	\$ 4,722	\$ 4,944
5,000	\$ 6,139	\$ 6,417	\$ 6,695
6,000	\$ 8,350	\$ 8,684	\$ 9,017
7,000	\$11,350	\$11,739	\$12,128
8,000	\$15,439	\$15,883	\$16,328
9,000	\$21,029	\$21,529	\$22,030
10,000	\$28,692	\$29,248	\$29,804
11,000	\$39,215	\$39,826	\$40,437
12,000	\$53,683	\$54,350	\$55,017
13,000	\$73,596	\$74,319	\$75,041

Table 2

The following outlines the mitigation rate for construction employees that is projected out to 2015 using a 37% mitigation rate:

TABLE 2: CONSTRUCTION MITIGATION RATE BY YEAR	
Year	Construction Mitigation Rate
2005	0
2006	0.015
2007	0.029
2008	0.041
2009	0.053
2010	0.064
2011	0.074
2012	0.084
2013	0.093
2014	0.101
2015	0.109

EMPLOYEE HOUSING IMPACT FEE MITIGATION METHOD

The Employee Housing Impact Fee Mitigation is based on the difference between the free market price of housing in the Telluride Region and the price that is affordable to households with incomes equivalent to the Area Median Income. The following procedures shall be used by County Planning staff to calculate Employee Housing Impact Fee Mitigation, which shall be updated by April 30 each calendar year.

Step 1 –Area Median Income is currently determined by the following procedure:

1. Use the most recently updated US Department of HUD “Very Low Income” figures for San Miguel County, Colorado for 2- and 4-person households. These are 50% of Area Median Income, so Area Median Income is double these figures. The 100% AMI is used to establish the AMIs for the Mitigation Fee.
2. Planning staff shall update annually as new US Department of HUD “Very Low Income” figures are released.
3. Based on this procedure, the Area Median Incomes for San Miguel County are:

Table 1. San Miguel County Area Median Income (AMI*)

Area	Fiscal Year	Persons in Family		Income Limit	Persons in Family	
		2	4		2	4
SMC	2018	\$ 68,000	\$ 84,900	50%	\$ 34,000	\$ 42,450
SMC	2019	\$ 68,200	\$ 85,200	50%	\$ 34,100	\$ 42,600
SMC	2020	\$ 65,200	\$ 81,500	50%	\$ 32,600	\$ 40,750
SMC	2021	\$ 68,400	\$ 85,500	50%	\$ 34,200	\$ 42,750
SMC	2022	\$ -	\$ -	50%		
SMC	2023	\$ -	\$ -	50%		
SMC	2024	\$ -	\$ -	50%		
SMC	2025	\$ -	\$ -	50%		
SMC	2026	\$ -	\$ -	50%		

* This AMI calculation is pursuant to the County Employee Housing Impact Fee Mitigation

Step 2 – Determine the Maximum Affordable Dwelling Unit Price

1. Using the 100% Area Median Income from Table 1 determine the Affordable Monthly Housing Payment (30% of Monthly Income).
2. Determine the Affordable principal and interest (80% of payment) and HOA dues, property taxes, and insurance portion (20% of payment).
3. Calculate the Maximum Affordable Mortgage using assumed mortgage interest rate (5%).
4. Calculate the Maximum Affordable Price of Dwelling Unit (5% down payment).

Step 3 – Compile Free Market Dwelling Unit Sales Prices

1. Utilize the Telluride Multiple Listing Service (MLS) to find and compile real estate sales that fit the following parameters:
 - i. Sales that occurred within the three (3) previous calendar years; and
 - ii. Free Market* Dwelling Units; and
 - iii. Duplex and multi-family occupancy; and
 - iv. Studio, one (1), two (2), and three (3) bedrooms; and
 - v. Within Telluride Region as defined in the County Master Plan.

* Free Market = housing units that are not subject to use or occupancy restrictions, such as deed-restricted housing or time share restrictions.

Step 4 – Determine the Market Dwelling Unit Average Sales Price per Square Foot

1. Determine the average of the three (3) previous calendar years' annual average sales price per square foot of Free Market Dwelling Units from Step 3.
2. Calculate the Free Market Price per Unit. Multiply the Market Price per square feet (s.f.) of heated Floor area determined in this step by the Assumed Affordable Unit Size (1075 s.f. for four-person household, 850 s.f. for two-person household).

Step 5 – Calculate the Market-Affordability Gap/Fee

1. Subtract the Free Market Unit Price from the Maximum Affordable Price to determine the Market –Affordability Gap per unit.
2. Divide the Market –Affordability Gap per unit by Assumed Affordable Unit Size (1075 s.f. for four-person household, 850 s.f. for two--person household) to determine the Employee Housing Mitigation Fee per SF.
3. (For reference only) Determine the per employee gap fee. Divide the Market –Affordability Gap per unit by 1.6 (employees per unit).

Table 2 Impact Fee Calculation

San Miguel County Fee Calculation Model		2021						
2/10/2022								
Income Targets								
Area Median Income (AMI) 100% - household size	2	4						
Maximum Income	\$ 65,200	\$ 81,500	Enter data here (HUD)					
Affordable Price								
Affordable Monthly Payment (30%)	\$ 1,630	\$ 2,038						
Affordable principal and interest (80% of pmt)	\$ 1,304	\$ 1,630						
HOA dues, property taxes, insurance (20%)	\$ 326	\$ 408						
Assumed Mortgage interest rate	5.0%	5.0%						
Maximum mortgage	\$ 242,911	\$ 303,639						
Maximum affordable price - 5% down	\$ 255,696	\$ 319,620						
Market Price								
Market Price per SF of heated floor area	\$ 824	\$ 824	Enter Market Price per SF here					
Assumed Affordable Unit Size	850	1075						
Market Price per Unit	\$ 700,256	\$ 885,618						
Market-Affordability Gap/Fee								
per Affordable Unit	\$ 444,560	\$ 565,998						
Per SF of affordable unit (per unit gap/Unit Size)	\$ 523	\$ 527						
Per Employee (per unit gap/1.6 employees per unit)	\$ 277,850	\$ 353,749						
Components of the model are summarized below								
Income Targets								
based on 2019 HUD Area Median Family Income (AMI) for San Miguel County -100% AMI is \$85,200 4 person household								
2020 Household persons per occupied unit: San Miguel County - 2.24, Telluride - 2.16, Mountain Village 1.94								
Affordable Price								
A mortgage interest rate of 5.00% is used for 2020 calculation.								
affordable housing payment = 30% of income								
mortgage principal and interest = 80% of affordable payment								
HOA fees, property taxes and insurance = 20% of affordable payment								
mortgage term is 30 years at a fixed rate								
Market Sales Price per Square Foot								
Area Covered: Sales within the Telluride Region Master Plan Area are used for San Miguel County's fee calculation								
Free market sales of units with duplex and multi-family buildings, ad with no housing deed-restrictions or occupancy restrictions								
Time Period of Sales: prior three year period								
Unit Sizes: Avg of Min. and Max SF for 2Br and 3Br units Tell Aff Hsg Guidelines 8/13/2019								
Conversion Factors								
Factor of 1.6 employees per unit was used. This figure was generated in 2005 Employee Housing Impact Fee Support Study. 1.6 per 2011; 1.56 per 2018 Housing Needs Asses								
To convert into per-square foot fee amounts: used Assumed Affordable Unit Size square fee per affordable Unit								

Table 3 Impact Fee Calculator 2022

Affordable Housing Mitigation Fee Calculator Single-family Residence / Duplex						
Project Name						
Address/Location						
Property Owner						
Date						
Calculation of residential affordable housing mitigation required						
New Construction				Square	Footage	Mitigation Rate
				0	1800	0%
Variables				1801	2500	30%
Residential Floor Area (Type SF in yellow box)		-		2501	3000	42%
Affordable Housing Floor Area (Type SF in yellow box)		-		3001	4000	66%
				4001	12000	90%
Constants						
Maintenance FTE's Coefficient		0.070174				
Exponential Coefficient		0.000322				
Average Construction FTE's		0.0044				
Sq. Ft. Per Employee per LUC § 5-1303 E I a		400				
Impact Mitigation Rate per LUC § 5-1303 G XV		0%				
Per SF of affordable unit (per unit gap/Unit Size)		\$ 527				
Mitigation Calculation						
Employees Generated		0.070174				
Employee Housing SF required		-				
Impact Fee		\$ -				
Credit for Affordable Housing Unit constructed		\$ -				
Net Impact Fee		0				
Additions						
Variables						
EXISTING Residential Floor Area (Type SF in yellow box)		-				
ADDITIONAL Residential Floor Area (Type SF in yellow box)		-				
Total Residential Floor Area		-				
Affordable Housing Floor Area (Type SF in yellow box)		-				
Constants						
Maintenance FTE's Coefficient		0.070174				
Exponential Coefficient		0.000322				
Average Construction FTE's		0.0044				
Sq. Ft. Per Employee per LUC § 5-1303 E I a		400				
Impact Mitigation Rate per LUC § 5-1303 G XV		0%				
Per SF of affordable unit (per unit gap/900 SF)		\$ 527				
Mitigation Calculation						
Employees Generated		-				
Employee Housing SF to be provided		-				
Impact Fee		\$ -				
Credit for Affordable Housing Unit constructed		\$ -				
Net Impact Fee		0				

Norwood

Classifieds

Help Wanted

Now Hiring !!! Landscape Construction, Masonry, Gardening, and Irrigation positions. Year-round or seasonal. Overtime and transportation are available. Pay for year-round work ranges from \$33,280 to \$70,000 depending on experience, skill, and work ethic. Will train. Please text Teresa (970)729-0431.

Classifieds ads are small but POWERFUL

The Norwood Post has the largest reach of any media in the region and is the only newspaper dedicated to news and information about the Norwood area.

Legal Notices

VESTED PROPERTY RIGHT

SUBDIVISION EXEMPTION FOR SINGLE-LOT SPLIT FOR LOT 400-4, LAWSON HILL PUD ILIUM

This is notice that a Subdivision Exemption for a Single-lot Split in Existing Subdivision for Lot 400-4, Lawson Hill PUD, Phase 9, Ilium Park, San Miguel County, Colorado, received Final Plat Approval from the San Miguel County Board of Commissioners on February 2, 2022. A vested property right has been created with the recording of this final plat on April 21, 2022.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
Kris Holstrom, Chair

COMBINED NOTICE - PUBLICATION

CRS §38-38-103 FORECLOSURE SALE NO. 2022-01

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:

On February 9, 2022, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of San Miguel records.

Original Grantor(s)
SKYE RUBADEAU GUINA
Original Beneficiary(ies)
INDICATE CAPITAL FUND 1, LLC
Current Holder of Evidence of Debt
INDICATE CAPITAL FUND 2, LLC
Date of Deed of Trust
March 23, 2021
County of Recording
San Miguel
Recording Date of Deed of Trust
April 13, 2021
Recording Information (Reception No. and/or Book/Page No.)
469428
Original Principal Amount
\$1,525,000.00
Outstanding Principal Balance
\$1,525,000.00
Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: Failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.

THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.

LOT 4, THE BLUFFS, PHASE 1, ACCORDING TO THE PLAT RECORDED AUGUST 20, 1987 IN PLAT BOOK 1 AT PAGE 740, COUNTY OF SAN MIGUEL, STATE OF COLORADO

Also known by street and number as: 315 BLUFF VIEW DRIVE, PLACERVILLE, CO 81430.

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROP-



JOBS, JOBS, JOBS
LOOKING FOR WORK?
WE HAVE SEVERAL POSITIONS OPEN
COME SEE US AT
ONE OF OUR LOCATIONS
BRING A FRIEND THAT QUALIFIES
AND RECEIVE A BONUS
970-874-3549



Delta Office
1402 S. Main Street
Delta, CO 81416

Montrose Office
845 Townsend Ave
Montrose, CO 81401

Grand Junction Office
935 N. 1st Street
Grand Junction, CO 81506

www.sanmiguelcountycogov

ATTENTION LEAP

APPLICANTS

Special Funding is now available for assistance with a household’s water bill and heating bill arrearages. This limited, one time funding with be dispersed on a first come, first served basis, so don’t wait. Please call Susan with the San Miguel County Department of Human Services at 970-708-8859 for additional information.

Legal Notices

COUNTY PLANNING COMMISSION

MEETING AGENDA

May 12, 2022

Lone Cone Library, 1455 S Pinion St, Norwood and Online Meeting

For questions:

E-mail boccc@sanmiguelcountycogov

Call the Board of County Commissioners at 970-728-3844.

Deadline to submit: Wednesday, May 18th at 5pm.

PUBLIC HEARING NOTICE

The San Miguel County Board of Commissioners has been asked to consider an application submitted by SE Group and Klein Coté Edwards Citron LLC (Representatives) on behalf of the Town of Telluride and San Miguel County (Applicants), for property owned by Diamond Ridge Telluride, LLC (Property Owner). The application proposes to rezone a portion of Lots 1-R-A, 2-R and 3-R, Diamond Ridge Subdivision, located on Last Dollar Road (CR T60), from Forestry, Agriculture and Open (F; LUC Section 5-307) to Community Housing (CH; LUC Section 5-324). The proposed rezone area is about 39 acres out of 105 total acres.

An application for rezoning is subject to Two-step Review: review and recommendation at a public meeting by the Planning Commission and review and action at a Public Hearing by the Board of County Commissioners. This Public Hearing is the second step of a Two-step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Sections 5-1803 and 3-601 E.

A public hearing on the above application will be held by the San Miguel Board of County Commissioners at 9:35 a.m. or thereafter on Wednesday, **May 18, 2022**. A site visit will be held at the property on Last Dollar Road beginning at 8:30 a.m. This meeting will be held online due to space limitations and COVID-19 virus protocols. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 534.180.495, Password: 014764; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

The application is available on-line at <https://www.sanmiguelcountycogov/DocumentCenter/View/7999/Diamond-Ridge---Rezoning-Application-032122>.

Written comments of more than one page may not receive complete consideration if not received by May 11, 2022. All written comments already submitted to the Planning Commission will be forwarded to the BOCC. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountycogov.

COMBINED NOTICE - PUBLICATION

CRS §38-38-103 FORECLOSURE SALE NO. 2022-02

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:

On February 23, 2022, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of San Miguel records.

Original Grantor(s)
Stephanie K Voorlas
Original Beneficiary(ies)
BANK OF AMERICA, N.A.
Current Holder of Evidence of Debt
U.S. BANK TRUST NATIONAL ASSOCIATION , not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association
Date of Deed of Trust
August 23, 2011
County of Recording
San Miguel
Recording Date of Deed of Trust
September 22, 2011
Recording Information (Reception No. and/or Book/Page No.)
419793
Original Principal Amount
\$252,500.00
Outstanding Principal Balance
\$214,712.61
Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: Failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.

THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.

A TRACT OF LAND DESCRIBED AS BEGINNING AT BOUNDARY POINT NO. 9 OF HIDDEN LAKE ESTATES, LTD., AS PLATTED AND RECORDED IN BOOK 28 AT PAGE 36 OF THE COUNTY OF SAN MIGUEL, STATE OF COLORADO, BEING SITUATED IN TOWNSHIP 41 NORTH, RANGE 9 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN; THENCE SOUTH 00° 23' 56" WEST 43.3 FEET SOUTH ALONG THE EAST BOUNDARY OF SAID HIDDEN LAKE ESTATES LTD., TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 23' 56" WEST, A DISTANCE OF 187 FEET; THENCE NORTH 89° 36' 04" WEST, A DISTANCE OF 700 FEET; THENCE NORTH 00° 23' 56" EAST, A DISTANCE OF 187 FEET; THENCE SOUTH 89° 36' 04" EAST, A DISTANCE OF 700 FEET TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS LOT 32, HIDDEN LAKE ESTATES, ACCORDING TO THE SECOND AMENDED DECLARATION RECORDED JUNE 16, 1999 AT RECEPTION NO. 327227, COUNTY OF SAN MIGUEL, STATE OF COLORADO. *

NOTICE OF PURCHASE OF MINERAL RIGHTS AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to: ALLISON R SMITH C/O HC LAUGHLIN 745 KLAERNER ROAD FREDERICKSBURG, TX 78624

You and each of you are hereby notified that on the 25th day of November 2013, the then County Treasurer of San Miguel County, in the State of Colorado, sold at public tax lien sale to JACKIE THOMPSON the following described mineral rights situate in the County of San Miguel, State of Colorado, to-wit: **UND ONE TENTH INT IN MINERAL RIGHTS ONLY ON LITTLE CHIEF LITTLE CHIEF NO 2 NORTH STAR AND WOLVERINE 17816 LSMMD 33.898A SUMMIT 17817 LSMMD 10.330A TOTAL ACRES 44.23 LOCATED IN T43 R10** and said County Treasurer issued a certificate of purchase therefore to JACKIE THOMPSON.

*PURSUANT TO THAT CERTAIN AFFIDAVIT RE: SCRIVENER'S ERROR PURSUANT TO C.R.S. §38-35-109(5) RECORDED IN THE RECORDS OF SAN MIGUEL COUNTY, COLORADO, ON DECEMBER 12, 2019 AT RECEPTION NO. 461352 TO CORRECT THE LEGAL DESCRIPTION.

Also known by street and number as: 3420 63A Road, Ophir, CO 81426.

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE

The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust. THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Thursday, 06/23/2022, at 305 W. Colorado Avenue, East entry, Telluride, CO, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication 4/27/2022
Last Publication 5/25/2022
Name of Publication
Daily Planet
The Norwood Post & Telluride Daily Planet

IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED;

DATE: 02/23/2022
/S/: Brandi R. Hatfield, Public Trustee in and for the County of San Miguel, State of Colorado

The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:

Alison L. Berry #34531
Lynn Janeway #15592
David R. Doughty #40042
Nicholas H. Santarelli #46592
Elizabeth S. Marcus #16092
Sheila J. Finn #36637
Janeway Law Firm, P.C. 9800 S Meridian, Suite 400, Englewood, CO 80112 (303) 706-9990
Attorney File # 22-026305

The Attorney above is acting as a debt collector and is attempting to collect a debt. Any information provided may be used for that purpose.

©Public Trustees' Association of Colorado Revised 1/2015

www.sanmiguelcountycogov



Thank you for supporting the Norwood Safe & Sober After Prom Party!!

Town of Norwood, Nancy Wells, Norwood Marshal, James & Gretchen Wells, Norwood Fire Dept., San Miguel Sheriff's Dept., Clark's Market, Mesa Rose Farms, Local Liquor, Lone Cone Restaurant, Montrose Rec Center, Ouray Hot Springs, Sam's Conoco, Rose Bowl, Jimmy John's, Darryl Jenson, Kien Chiles, Sonny Lopez, Gen Roach, Anthony & Bailey.

Legal Notices

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4 STATE OF COLORADO
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 4
Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of April 2022.
The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:
The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division, and owners of affected rights must appear to object and protest within the time provided by statute, or be forever barred.
CASE NO. 2022CW3023 SAN MIGUEL COUNTY 1. Applicant: Morgan and Sarah Smith Family Trust of 2000 as amended and restated 2012, Morgan C. Smith, Trustee, 3130 Last Dollar Rd., Telluride, CO 81320 by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION TO MAKE ABSOLUTE; 2. Name of Structure: **Aldasoro Ditch First Enlargement**; 3. Date of Original Decree: March 8, 1991, Case No. 90CW69, Water Division No. 4; 4. Legal description of points of diversion: In the SW1/4NW1/4SE1/4, Section 19, Township 43 North, Range 9 West, N.M.P.M. at a point bearing North 24°15' East 14,850 feet from the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M. 5. Date of Appropriation: January 30, 1990. Amount: 0.09 c.f.s. of the 0.12 c.f.s. still conditional of the 1.0 c.f.s. decreed. 6. Uses: domestic, commercial, irrigation, recreation, aesthetic, fish, wildlife, and stock water. Applicant request to cancel uses for domestic, commercial, recreation, aesthetic, fish, and wildlife purposes – leaving irrigation and stock water (livestock watering) as allowed uses. 7. Source of Water: Sheep Creek, tributary to the San Miguel River. 8. Claim to make absolute: **Applicant brought in a mini-excavator to clean the entire ditch; installed about 1,000 feet of pipe in part of the ditch; installed a new metal diversion gate at the point to diversion; installed a concrete pressure box and a gravity fed water line from the ditch down to Applicant's pasture; and installed high powered sprinklers to run off the gravity fed line to complete the appropriation. Applicant expended approximately \$15,000.00 to complete the work and seeks to make the conditional right absolute for irrigation and stock water only. Applicant seeks to cancel all other uses. SAN MIGUEL COUNTY.**
YOU ARE FURTHER NOTIFIED THAT you have until the last day of June 2022 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

LEGAL NOTICE

Notice is hereby given that Citizens State Bank of Ouray, 600 Main St. Ouray Co. has made an application to the Federal Deposit Insurance Corporation to establish a branch at 117 Lost Creek Lane, Unit D (with a possible temporary location at the intersection of Mtn Village Blvd and Aspen Ridge Drive), Mountain Village CO 81435.

Any person wishing to comment on this application may file comments in writing with the Regional Director of the Federal Deposit Insurance Corporation at its Regional Office at 600 North Pearl Street, Suite 700, Dallas, TX 75201 not later than May 20, 2022. The nonconfidential portions of the application are on file at the FDIC Regional Office and are available for public inspection during regular business hours. Photocopies of the nonconfidential portion of the application file will be made available upon request.

PUBLIC HEARING NOTICE

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A public hearing on the above application will be held by the San Miguel Board of County Commissioners at 9:35 a.m. or thereafter on Wednesday, **May 18, 2022**. A site visit will be held at the property on Last Dollar Road beginning at 8:30 a.m. This meeting will be held online due to space limitations and COVID-19 virus protocols. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 534.180.495, Password: 014764; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

The application is available on-line at <https://www.sanmiguelcountycogov/DocumentCenter/View/7999/Diamond-Ridge---Rezoning-Application-032122>.

Written comments of more than one page may not receive complete consideration if not received by May 11, 2022. All written comments already submitted to the Planning Commission will be forwarded to the BOCC. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountycogov.

COUNTY PLANNING COMMISSION MEETING AGENDA May 12, 2022

Lone Cone Library, 1455 S Pinion St, Norwood and Online Meeting

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

8:45 AM Site Visit: SUP Trade Business, 200 Front Street, Placerville
9:30 AM Site Visit: SUP Accessory Structure & 3,000 sf, 7725 CR 442 S, Norwood

1. **10:30 AM CALL TO ORDER.**
2. **PUBLIC HEARING: LAND USE APPLICATION**
Applicant: TFS Ventures LLC (James Roby Peabody)
Location: 200 Front Street, Placerville
Parcel size: 7500 square feet
Zone District: Placerville Commercial
Proposal: Special Use Permit for a Forestry Trade Business. **MOTION**

3. **PUBLIC HEARING: LAND USE APPLICATION**
Applicant: Carolyn and William Fox
Location: 7725 County Road 442 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 existing equine riding arena. **MOTION**

4. **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**

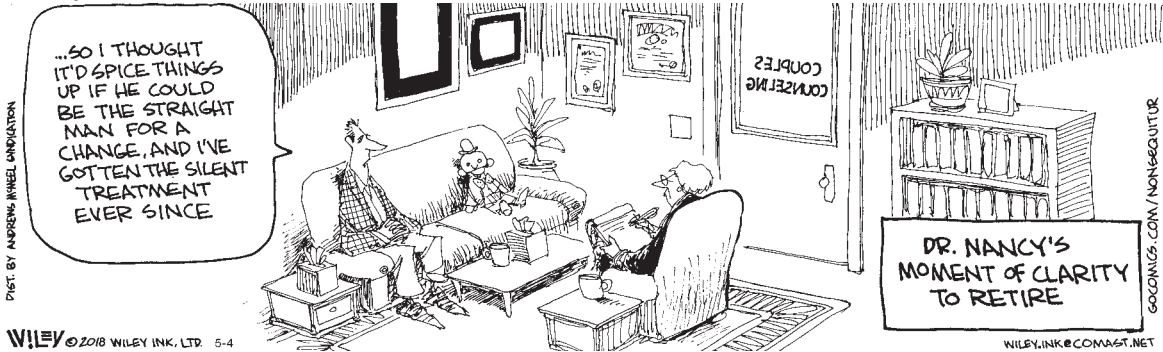
5. **APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS**

6. Adjourn

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

The official, designated posting place for all CPC notices, agendas is online at <https://www.sanmiguelcountycogov/AgendaCenter>. Use this link to view the agenda with any last-minute changes. To be automatically notified please sign up at www.sanmiguelcountycogov, sign up for alerts, and follow the prompts.

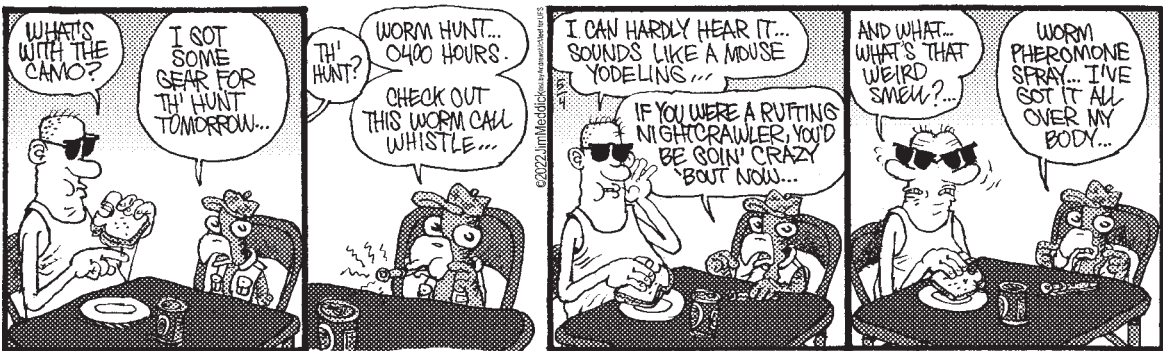
NON-SEQUITUR: WILEY MILLER



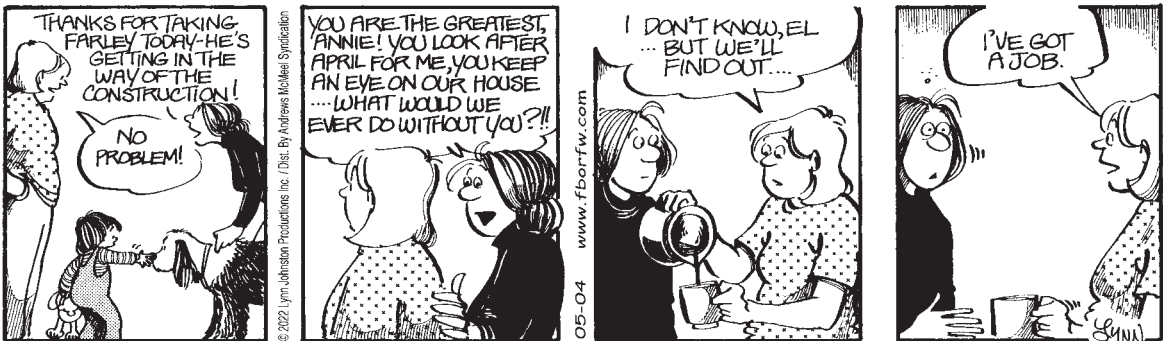
DILBERT: SCOTT ADAMS



MONTY: JIM MEDDICK



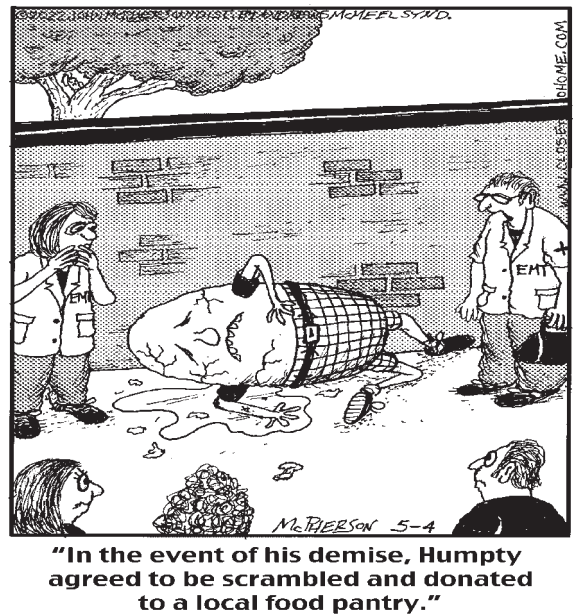
FOR BETTER OR FOR WORSE: LYNN JOHNSTON



BIZARRO: DAN PIRARO



CLOSE TO HOME: JOHN MCPHERSON



UNIVERSAL SUDOKU

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

Difficulty rating: 3

Previous puzzle solution:

4	2	1	6	3	7	5	8	9
3	6	5	4	9	8	1	7	2
9	8	7	2	5	1	4	3	6
5	1	8	9	7	3	6	2	4
2	4	9	1	8	6	3	5	7
6	7	3	5	2	4	8	9	1
8	5	6	7	1	2	9	4	3
7	9	4	3	6	5	2	1	8
1	3	2	8	4	9	7	6	5

Worship Section



got hope?

see www.thealpinechapel.com for service times



John Huebner <johnh@sanmiguelcountyco.gov>

Agency Referral: San Miguel County Residential Impact Fees Report and LUC Amendment

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Mon, Apr 11, 2022 at 2:24 PM

To: Amy Markwell <amym@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, James Van Hooser <jamesv@sanmiguelcountyco.gov>, Phil Taylor <ptaylor@telluride-co.gov>, Ron Quarles <rquarles@telluride-co.gov>, tmanager@telluride-co.gov, "John A. Miller" <JohnMiller@mtnvillage.org>, Michelle Haynes <mhaynes@mtnvillage.org>, pwisor@mtnvillage.org, manager@ophir.us, Mike Kimball <michaelnjoyce@msn.com>, evp@telluriderealtors.net, admin@telluriderealtors.net

All,

Please find attached 1. draft SMC Affordable Housing Fee Methodology Report and 2. draft Residential Impact Fees and ADUs Code Amendments to the San Miguel County Land Use Code. Thank you for reviewing the draft report and amendments and providing your feedback.

The Planning Department requests that you please provide your review comments by May 3 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov.

The Report and Residential Impact Fees Code Amendments are scheduled for review by the Planning Commission on May 12, and June 8 by the Board of County Commissioners. Regards,

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



2 attachments

Residential Impact Fees and ADUs LUCA DRAFT 4.11.22.pdf
397K

Report Affordable Housing Fee Method DRAFT 4.11.22.pdf
906K



John Huebner <johnh@sanmiguelcountyco.gov>

RE: Agency Referral: San Miguel County Residential Impact Fees Report and LUC Amendment

1 message

Temp Manager <tmanager@telluride-co.gov>

Mon, Apr 11, 2022 at 4:21 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, James Van Hooser <jamesv@sanmiguelcountyco.gov>, Phil Taylor <ptaylor@telluride-co.gov>, Ron Quarles <rquarles@telluride-co.gov>, "John A. Miller" <JohnMiller@mtnvillage.org>, Michelle Haynes <mhaynes@mtnvillage.org>, "pwisor@mtnvillage.org" <pwisor@mtnvillage.org>, "manager@ophir.us" <manager@ophir.us>, Mike Kimball <michaelnjoyce@msn.com>, "evp@telluriderealtors.net" <evp@telluriderealtors.net>, "admin@telluriderealtors.net" <admin@telluriderealtors.net>

Why does the office description say there are 3 employment positions created per 1,000 gsf, but 5-1303 A states only have to create housing for one employee per x2,250 gsf?

Why in 5-1303C do only one in three lots created have to be deed restricted?

XI. C. has the number "one thousand" inserted, but in parenthesis, the number is 1,800. This also occurs in XIV.

Appendix Step 4. 2. Needs to have "sq. ft." added after "850". Same issue in Step 5

Greg Sund
Interim Acting Town Manager

Town of Telluride, CO
(970) 728-2155
tmanager@telluride-co.gov

From: John Huebner <johnh@sanmiguelcountyco.gov>

Sent: Monday, April 11, 2022 2:24 PM

To: Amy Markwell <amym@sanmiguelcountyco.gov>; Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Kaye Simonson <kayes@sanmiguelcountyco.gov>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; James Van Hooser <jamesv@sanmiguelcountyco.gov>; Phil Taylor <ptaylor@telluride-co.gov>; Ron Quarles <rquarles@telluride-co.gov>; Temp Manager <tmanager@telluride-co.gov>; John A. Miller <JohnMiller@mtnvillage.org>; Michelle Haynes <mhaynes@mtnvillage.org>; pwisor@mtnvillage.org; manager@ophir.us; Mike Kimball <michaelnjoyce@msn.com>; evp@telluriderealtors.net; admin@telluriderealtors.net

Subject: Agency Referral: San Miguel County Residential Impact Fees Report and LUC Amendment

All,

Please find attached 1. draft SMC Affordable Housing Fee Methodology Report and 2. draft Residential Impact Fees and ADUs Code Amendments to the San Miguel County Land Use Code. Thank you for reviewing the draft report and amendments and providing your feedback.



John Huebner <johnh@sanmiguelcountyco.gov>

Re: Agency Referral: San Miguel County Residential Impact Fees Report and LUC Amendment

1 message

James Van Hooser <jamesv@sanmiguelcountyco.gov>
To: John Huebner <johnh@sanmiguelcountyco.gov>
Cc: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Mon, Apr 11, 2022 at 3:24 PM

Thanks, John. Please see my comments below. I am also more than happy to meet on any/all of these issues if my comments are not clear.

5-303, 4, and 5 D.I. These sections might be cleaner if they read as follows: *Accessory Dwelling Units, providing such units are subject to the County R-1 Housing Deed Restriction and ADU Deed Restriction Covenant (see Sections 5-1304 and 5-1305)*

5-307 C.I. Do we still need the lease term language for caretaker units if they now have to be deed restricted? If so, 30 days seems like too short of a term. Would recommend a minimum lease term of 1-year, or mirror whatever requirement is currently in the deed restriction (if any).

5-307 L.I. Does this new requirement for building a deed restricted unit onsite for homes over 12,000 sf fall under housing mitigation, or must they also pay the mitigation fee? If this requirement replaces the mitigation fee, we would want them to build a deed restricted unit that is at least as large as our formula generates (or at least pay for the portion they don't build). Current version of the formula says that 1,679 sf of affordable housing must be provided for a free market home of 12,000 sf, so a requirement for a 800 sf caretaker unit or ADU could inadvertently help people skirt a portion of their mitigation requirement.

5-1302 B.II.b. Same question as above: are we allowing people to mitigate their housing impact by building a deed restricted ADU onsite in lieu of paying the fee? If so, the 800 sf ADU maximum is a limiting factor

5-1303 F. should a row be added in this summary table showing the mitigation required for Single-family & duplex development? Could be as simple as a cross reference to 5-1303.G.XVI

5-1303. remove the word "and" between "residential and ski area" and add a comma

5-1303.G.XI.e. are we changing the exemption threshold to 1,000 sf, or leaving it at 1,800 sf. The added text says "one thousand" but the existing number still reads "1,800".

5-1303.G.XIV.a. same "one thousand" vs "1,800" comment as above

5-1303 G. This section in general seems to preclude the option of building a mitigation unit onsite, forcing everyone to pay the fee. Is this intentional?

On Mon, Apr 11, 2022 at 2:24 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:
All,

Please find attached 1. draft SMC Affordable Housing Fee Methodology Report and 2. draft Residential Impact Fees and ADUs Code Amendments to the San Miguel County Land Use Code. Thank you for reviewing the draft report and amendments and providing your feedback.

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



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



AGENDA ITEM

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	Aye	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	Aye	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	Aye	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

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