

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

May 12, 2022

Norwood Public Library 1455 Pinon St. and Online Meeting

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

Absent: Matthew Bayma, Member

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

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

8:45 a.m. Site Visit: 200 Front St. Placerville

9:30 a.m. Site Visit: CR 44Z S, Norwood

10:30 a.m. Chair called the meeting to order.

10:32 a.m. Break - Technical Difficulties

10:41 a.m. Reconvene

PUBLIC HEARING: LAND USE APPLICATION

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

Those who addressed the commission:

Roby Peabody- Applicant

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

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

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

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

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

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

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

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

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

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

11:04 a.m. Open for Public Comment
No comments

11:05 a.m. Closed to Public Comment

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

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

SECONDED By Josselin Lifton-Zoline. **VOTE PASSED 5-0**

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

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

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

11:12 a.m. Reclosed Public Comment

PUBLIC HEARING: LAND USE APPLICATION

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

Those who addressed the commission:

Carol & William Fox via video

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

Notice of the Public Hearing was published

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

There were no questions from the commission.

11:21 a.m. Open to Public Comment

No comments.

11:22 a.m. Closed to Public Comment

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

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

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

SECONDED by Tobin Brown. **VOTE PASSED 5-0.**

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

11:24 a.m. Break

11:29 a.m. Reconvene

LAND USE CODE AMENDMENT REVIEW AND RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

1:09 p.m. Break

1:31 p.m. Reconvene

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

2:18 p.m. Open to Public Comment

No Comments

2:19 p.m. Closed Public Comment

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

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

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

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

APPROVAL OF MINUTES

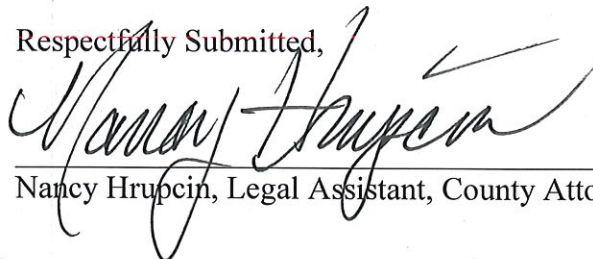
Deferred until next meeting

PLANNING COMMISSION AND STAFF COMMENTS

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

2:25 p.m. Adjourned.

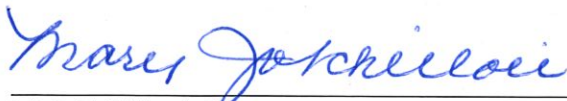
Respectfully Submitted,



Nancy Hrupcin, Legal Assistant, County Attorney

Approved on June 9, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION



M.J. Schillaci, Secretary

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