



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, MAY 11, 2023 – 10:00 AM

Online & 333 W Colorado Ave Rm 201

MEETING INFORMATION - This meeting will be held online and in person. 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)

We kindly request that people attending meetings in person wear a mask.

9:00 a.m. Site Walk: Lots 4&5, Golden Ledge off Last Dollar Road

1. 10:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

- a. Approval of the April 20, 2023 minutes
[pc.4.20.23.minutes.DRAFT Final.docx](#)

3. 10:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

- a. Applicant: Mark Shambaugh, MOMAS LLC

Location: Lots 4 and 5, Golden Ledge Subdivision

Parcel size: 70 acres

Zone District: Forestry, Agriculture and Open (F)

Proposal: Social and Scenic Uses Special Use Permit / MOTION

[CPC Packet Materials - MOMA Social-Scenic Uses SUP 5.11.pdf](#)

4. BUILDING CODE AMENDMENT RECOMMENDATION

- a. Amending Building Code Sections / MOTION

[Amendments to the 2018 International Codes_5.1.2023.docx](#)
[Memo MG to CPC RE 2023 Bldg Code Amdenments.docx.pdf](#)

5. EAST END MASTER PLAN UPDATE

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, designated 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 2.a

TITLE:

Approval of the April 20, 2023 minutes

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.4.20.23.minutes.DRAFT Final.docx](#)

Description:

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

April 20, 2023

Norwood/Online Meeting

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
Ian Bald, Member
Matthew Bayma, Member
Tobin Brown, Sr. Alternate
Galena Gleason, Alternate

Absent: M.J. Schillaci, Secretary

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

County Staff Present: Rachel Allen, Assistant County Attorney
Nancy Hrupcin, Legal Assistant

A Site Visit was held at 9:00 a.m. at 41923 State Highway 145.

10:04 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by Tobin Brown to approve the March 9, 21023 minutes as corrected.
SECONDED by Ian Bald **VOTE PASSED 5-0.**

CORRECTION AMENDMENT by Lee Taylor regarding the EEMP section, “identified 200 repetitive ballots”

AMENDMENT ACCEPTED By Toby and Ian

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

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director introduced new staff members Nicola Kerr, Planning Technician, and Rachel Allen, Assistant County Attorney.

Update on:

- Several appeals in process for the Employee Housing Mitigation Fee

- Complete applications to qualify for the 50% phasing in of the Employee Mitigation Fee need to be done by May 31, 2023. After Jun 1, 2023, the full fee is in effect. There are ads in the paper and information on the SMC website for public outreach.
- Aldasoro challenging mitigation fees, mitigation was believed to already have occurred when the PUD was created.
- The Society Turn PUD will come before the BOCC on May 17

10:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Morgan Rummel, MJRummel Investments LLC

Location: “La Sal Vista Subdivision”, 41923 State Highway 145 located west of the Town of Norwood across from the San Miguel County Fairgrounds

Parcel size: 14.64 acres Zone District: Wrights Mesa (WM)

Proposal: Sketch Plan for Subdivision.

John Huebner, Senior Planner presented the application for the Sketch Plan of the La Sal Vista subdivision proposal. Subdivisions require a five-step review process, this being the first step. Consideration of rezoning the property to WMLI (Wright's Mesa Light Industrial) zone district will be considered concurrent with the Preliminary subdivision. The rezoning is a two-step process requiring review and recommendation from the Planning Commission, with final approval by the BOCC in a public hearing. It was stated that it is unusual to do a subdivision outside of the traditional PUD process. It currently exists in the Light Industrial area of the Wright's Mesa Master Plan. If annexed in the future, the Town of Norwood would establish its zoning on the area. The property currently does not have the required 1/6th statutory contiguity, but that could be achieved through serial annexations.

Ryan Righetti, Road & Bridge Supervisor stated that there is no agreement for the county to take over maintenance of the road and it would have to be brought up to County standards if it was considered to be brought into the county road system.

11:00 a.m. Recess

11:07 a.m. Reconvene

The applicant addressed the commission. In response to Mr. Righetti's comments, it will likely just be gravel. There was a discussion with the commission about using OWTS systems vs. tying into the Norwood sanitation system. If a development is 400' from a municipal mainline it is recommended to tie into the municipalities system. This parcel is 180' from the mainline and would likely require a lift station to pump the sewage. The Norwood Sanitation District has the capacity to serve this proposed subdivision should the developer request service. The applicant would rather not invest in that infrastructure for the development and feels OWTS is a better solution.

A draft of a covenant was presented to the commission of desired limitations on the development including excluding ADUs. The applicant also expressed his desire to potentially have commercial businesses along the east side of the property along the highway, in which they

could make their own entry. Planning iterated that CDOT would only allow one entrance. The change of land use /development will require a CDOT Access Permit along with a level two traffic assessment. There was also discussion about a potential crosswalk across the highway to the school. That would be contingent on CDOT. The applicant did not feel a pedestrian crosswalk was a necessary addition to cross the highway. There was further discussion of the irrigation ditches, which the applicant did not think were in use. The commission asked if there would be some potential greenspace in the development that could be fed by the water in the ditches.

11:28 a.m. Open to Public Comment

Rich Grimes – Lives south of the property. Would like to see the character of the neighborhood maintained. Concerned about zoning and the Wright's Mesa light industrial uses. Asked who would enforce the covenants. Concerns with excessive traffic at the entryway and the scenic corridor entering the town. Suggested some berming or trees to make a visual break. Concerns regarding wells near the OWTS. Against ADUs. Would like to see Dark Sky standards in regard to lighting with downcast lights, or lights on motion sensors.

Nancy Browning – Southside neighbor. Safety concerns with only one road in and why a hammerhead rather than a cul-de-sac, especially in regards to emergency vehicle access and snow removal. Questions of what kind of office occupancy the applicant is suggesting and where would they park. Concern for the character of the neighborhood and proposed uses.

Jake Souther -North neighbor. Concerns with the ditches and existing wells, some of which have been there since the 1940s. Stated that the ditches are not abandoned. Would like to see the ditches preserved with a pipeline built to a 12", and up to governmental standards. He would like paperwork to preserve and guarantee his ditches that are used to transfer their Lone Cone Reservoir irrigation water to their property.

Julie Thorneycroft – Southside neighbor. Concerns with the visual impacts. Would like to see a plan with landscaping berms in place.

Tim Oliver – Owns land west of the property. Concerns that the road is a dead-end street. Would like to see it go all the way through.

Douglas Tooley – Concerns with water supply and the sewer. Likes that it will be competition for Pinion Park.

11:49 a.m. Closed Public Comment

Kaye Simonson, Planning Director addressed the comments and questions brought up during public comment. As far as the OWTS and wells, the setback requirement is 100 ft of any well and all impacted wells would be located prior to any development. The current sewer connection is only a couple of feet deep and would need a lift station, which is still an ongoing conversation.

In regards to access roads, CDOT will only allow one access point. She specified that the hammerhead would need to meet fire department standards for emergency vehicles to be able to

turn around and snow storage would have to not be on the hammerheads. The subdivision is small enough that there is no need for a street that goes all the way through.

In regards to the water ditches, there will need to be easements on the subdivision plat to protect access to the water and the ditches.

The commission could ask for a visual impact plan for the preliminary subdivision plan which could include a berm or a 6' fence. There are water concerns with landscaping that should be considered.

There was further discussion of the legal side of covenants and ultimately who would enforce them. Limitations could be listed on the plat and then the county would enforce any standards or use restrictions. Any items listed in the plat notes would run with the property. There were also some concerns expressed with the wide variability of uses proposed on the front lots.

The commission was in support of a pedestrian walkway across the highway and felt it was a good idea for growth, future use, and safety. It would be conditional on CDOT approval. There was some discussion regarding whether it would be better to align the project entrance with Summit Street, and also whether the pedestrian crossing could be farther north, into the Fairgrounds.

There was continued discussion on the proposed covenants and that it is unusual to be doing a subdivision without a PUD. There might be a need for an HOA, which could be more restrictive than the county.

MOTION by Toby Brown to adopt Planning Commission Resolution #2023-04, recommending the San Miguel County Board of Commissioners approve the La Sal Vista Sketch Subdivision, based on the findings that the Sketch Plan is consistent with the San Miguel County Comprehensive Development Plan, and the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Preliminary Subdivision.
2. Investigate the provision of an all-weather walking path from the property with a highway crossing at a location to be determined, and work with CDOT regarding necessary safe crossing improvements.
3. Increase road width to 11' lanes per LUC Figure 5C-1C.
4. Provide a wildlife management plan that addresses how construction impacts on raptors and prairie dogs will be mitigated.
5. Continue to work with Norwood Sanitation District to determine feasibility of serving the property instead of using OWTS onsite wastewater treatment systems.

6. Provide Draft Covenants outlining permitted uses and include on the draft plat.
Accessory Dwelling Units shall be allowed.
7. Incorporate Dark Sky principles
8. Ensure existing irrigation ditches are protected, with all necessary easements established, and coordinate construction so as to not impact delivery of water.

SECONDED By Josselin Lifton-Zoline

FORMAL AMENDMENT by Ian Bald to move the entrance to the south for safety issues.

SECONDED by Galena Gleeson **VOTE FAILED 2-3**

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

AMENDMENT DENIED

Vote on Main Motion with Conditions 1-8 brought back to the table

VOTE PASSED 5-0

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

12:41 p.m. Break

12:48 p.m. Reconvene

LAND USE CODE AMENDMENT RECOMMENDATION

Amending Land Use Code Sections 5-704, Signs, 5-20 Transportation Requirements and adding Section 5-711 Storage Sheds

Kaye Simonson, Planning Director presented the proposed amendments to the LUC.

Section 5-704 Signs currently calls for the assessment of sign permit fees based on the proposed sign area. The 2023 Fee Resolution includes a flat fee of \$55 for sign permits which is easier to administer than one based on sign area.

Section 5-711 Storage Sheds. Currently, a secondary accessory structure such as a storage shed is not permitted until the principal structure has been built. This code amendment proposes to allow one storage shed on a property prior to the establishment of a principal use, is less than 200

s.f., and has no utilities or permanent foundation. Building the accessory structure first will no longer be a violation. Ag buildings are an exception.

Section 5-20 is intended to ensure that “Developers of subdivisions in the Telluride R-1 School District will be subject to specific requirements regarding transportation that must be met prior to final subdivision approval.” This typically is implemented as a Real Estate Transfer Assessment (RETA) when property is sold. The RETA is passed through SMART for operation of the transit system. Over the past several years, several new zone districts were adopted and inadvertently overlooked at the time of the Code amendments. This amendment will ensure that sales of properties in those zone districts will pay RETA.

There was minimal discussion by the commission on these amendments.

1;15 p.m. Public Comment

Doug Tooley – Objects to not having solar on sheds.

Pam Bennett – Doesn’t feel the LUC needs to be changed today. RETA has been in place since the 1990s. Asked the commission not to approve the amendments today.

1:20 p.m. Closed Public Comment

In response to the public comments, Ms. Simonson stated that solar is considered a utility and would need a Building and State electrical permit.

MOTION by Josselin Lifton-Zoline to recommend to the Board of County Commissioners to adopt the amendments to San Miguel County Land Use Code Section 5-704 – Signs; Section 5-711 – Storage Sheds; and Section 5-20 – Transportation Requirements for Developments in the Telluride R-1 School District, based on the finding that the proposed amendments comply with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

SECONDED by Matt Bayma **VOTE PASSED 4-1**

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

ELECTION OF OFFICERS

Nomination by Josselin Lifton-Zoline for Lee Taylor as Chair

Nomination by Matt Bayma for Josselin Lifton-Zoline as Vice-Chair

Nomination by Lee Taylor for MJ Schillaci as Secretary

There were no objections to the nominations.

VOTE PASSED 6-0

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

1:39 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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AGENDA ITEM 3.a

TITLE:

Applicant: Mark Shambaugh, MOMAS LLC

Location: Lots 4 and 5, Golden Ledge Subdivision

Parcel size: 70 acres

Zone District: Forestry, Agriculture and Open (F)

Proposal: Social and Scenic Uses Special Use Permit / MOTION

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Materials - MOMA Social-Scenic Uses SUP 5.11.pdf](#)

Description:

PUBLIC HEARING RECORD

County Planning Commission

Application: Mark Shambaugh, MOMAS Investment LLC: Social and Scenic Uses Special
Use Permit to allow a wedding and events venue at Lots 4 & 5, Golden Ledge
Subdivision

Date: May 11, 2023

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 11, 2023.
4. Draft Planning Commission Resolution 2023-05.
5. Application and Supplements submitted by Mark Shambaugh, MOMAS Investment LLC dated March 20, 2023.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated April 12, 2023.
7. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on May 3, 2023.
8. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on April 19, 2023.

AGENCY COMMENTS

9. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated April 6, 2023.
10. Email received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated April 25, 2023.
11. Email received from Scott Heidergott, Telluride Fire Protection District, to John Huebner, Senior Planner, dated April 20, 2023.

PUBLIC COMMENTS

None received

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Mark Shambaugh, MOMAS LLC: Social and Scenic Uses Special Use Permit to allow special events at Lots 4 and 5, Golden Ledge Subdivision
DATE: May 11, 2023

Background

In the past decade or so, “destination” weddings and outdoor special events have increased in popularity. As a result, many homeowners have begun renting out their property for special events, but without land use approval. An amendment was approved in June 2022 to add Social and Scenic uses to LUC Section 5-307 D and F as a one-step or two-step Special Use Permit review. There are two levels of approval – one-step CPC approval for venues hosting less than 200 people and two-step BOCC approval for venues hosting more than 200 people. The amendment recognizes the demand, and provides a means by which property owners can obtain land use approvals.

A number of weddings and special events attended by the public have occurred at these properties, despite not having obtained the necessary approvals from the County. Renting of a property for weddings and similar events is considered a commercial activity. The property owner reached out to staff after the Story Special Use Permit was approved and requested information so that moving forward any and all of these weddings and events are in compliance with the San Miguel County Land Use Code.

On February 13, 2023, a pre-application conference summary letter was issued for a Social and Scenic Uses Special Use Permit to allow for special events at his property. An application was received March 20, 2023 for a Special Use Permit, it was found to be complete and scheduled to be reviewed by the Planning Commission.

Proposal

Mark Shambaugh, MOMAS LLC, General Manager (Applicant), submitted an application, received March 20, 2023 seeking a Special Use Permit for Social and Scenic Uses to allow Special Events on Lots 4 and 5, Golden Ledge Subdivision, a 70-acre property, owned by MOMAS LLC, zoned Forestry, Agriculture and Open (F). The subject property is located 9 miles west of the Town of Telluride and north of County Road T60, Last Dollar Road on Deep Creek Mesa. Social and Scenic Uses, such as weddings and special events with two hundred (200) guests or fewer in the F zone district, require a One-step review by the Planning Commission pursuant to Land Use Code Sections 5-307 D. XII., 5-407 Wildlife Habitat Areas, and 5-10 Special Uses.

The outdoor event space is located on the southern portion of the property encompassing several acres and is accessed from Mountain Flower Drive. The

provided Site Plan identifies the large outdoor tent location and a preparation area. No permanent water, trash or bathroom facilities are on site.

The property is available to rent in the summer and fall months (twenty weeks). The applicant states he would like the opportunity to host 3 events a season. No overnight activities are permitted, and events must conclude by 12:00 AM.

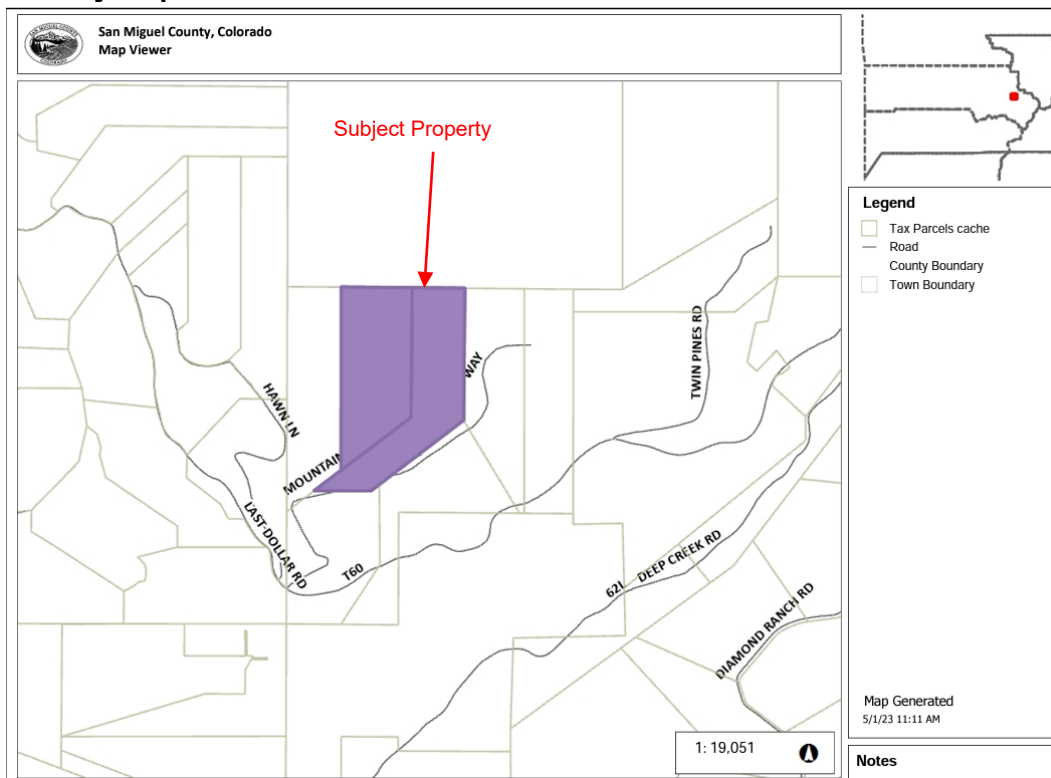
Parking is limited to service staff only on the site. There are no limits on vehicles during event set up. All guests must be transported via a professional transportation service to the property for an event.

Vendors will need to arrange for the provision of water, trash service and bathroom and handwashing facilities to the site. Animal-proof containers must be provided if trash left overnight.

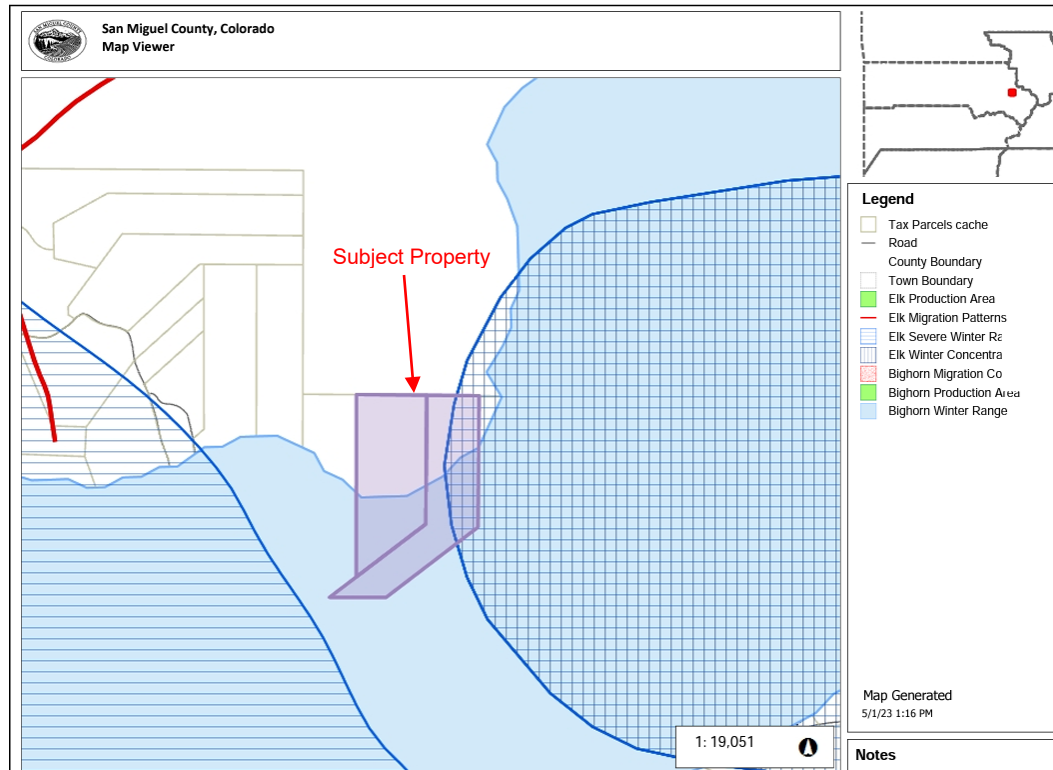
Catering and food service, including liquor and bar service, is provided by the vendors contracted by the applicant. It is the responsibility of the organizations and individuals operating on the site to obtain any required licenses and insurance.

No open fires are permitted on the property at any time. Fire extinguishers must be provided on site by the vendors. Any restrictions on the use of portable devices (e.g., gas heaters) or limits on smoking on site during fire bans must be adhered to.

Vicinity Map



Wildlife Map



Aerial Map



Site Plan



Review Standards and Policies

Approval of an application for a Social and Scenic special use permit must address LUC standards, the Standards Report required by Section 4-206. Applicant notes are underlined. *Staff analysis is in italics.*

5-307 D. Uses allowed subject to One-step Planning Commission Review

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.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. 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 Review Procedures

- V. All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.
- VI. All Special Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (pursuant to Section 5-26), shall comply with the standards in this section.
- III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

- I. The following must also be addressed as part of any application:
 - a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

The location of the site sits off and above the County Road T60 and cannot be seen by neighbors below or from the roadway and from the adjacent Grayhead development.

- b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;
 - c. Written Narrative explaining why the proposed site has been chosen, 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., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;
 - d. Detailed plans, reports and specifications.
 - 1) Traffic and parking plan;
 - 2) Grading, drainage and stormwater management plan;
 - 3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
 - 4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
 - 5) Signage: see Section 5-704 standards;
 - 6) Dust control plan;
 - 7) A noxious weed control plan;
 - 8) Wildlife Plan: see Section 5-407 A.XII.;
 - 9) Additional permits as necessary from other agencies.
 - 10) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

All trash left on site overnight must be stored in animal proof containers to ensure they are not tampered with by wildlife *Since a temporary tent structure is used, materials should be made of fire-retardant material and be inspected, especially since it will be set up for a considerable period of time. All applicable safety conditions required by the Building Department regarding the venue shall be considered. All exterior lighting must meet county exterior lighting standards (LUC Section 5-710).*

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

- I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.
- II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

- a. In accordance with the County Master Plan;
- b. Consistent with County Land Use Policies in Article 2;
- c. Consistent with the purpose of the Zone District in which it is proposed to be located;

The proposed wedding venue is located within the Forestry, Agriculture and Open Zone District and the land use is consistent with the purpose of the Zone District will be consistent with the County Land Use Policies in Article 2. The Applicant is requesting only three events hosted on the site annually which helps to address concerns related to increased levels of traffic, noise and lights from events that may last till midnight, and trash conveyance. Since food and beverages are to be served as part of these events, local health department regulations must be adhered to. Alcohol may require a beer or liquor license. A blanket condition that the applicant is required to meet all other county and state regulations is appropriate.

- III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;
- IV. Essential for public convenience at the proposed location; and

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

- VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, 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.

All guests must be transported via a professional transportation service to the property for an event. The applicant states that by not allowing guests to drive personal vehicles to the site for events dust, traffic and noise along Last Dollar Road is greatly reduced.

- VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

- a. The proposed uses must be compatible with the existing uses.
- b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.

Ashley Story, Telluride Sleighs and Wagons, has a Special Use Permit for sleigh ride and dinner operation and summer wagon/hiking and dinner operation in the upper Golden Ledge Subdivision off Last Dollar Road and Mountain Flower Drive (CPC Resolution 2015-2).

Ashley Story, AB Legacy Limited, recently was granted a Special Use Permit for event venue on Lot 2R, Golden Ledge, to host up to 20 events per calendar year, including 12 full day events (CPC Resolution 2023-1)

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.

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 application generally meets the submittal requirements of the Land Use Code and standards for a Special Use Permit for an event venue. The applicant uses the same event coordinator for all events and she provides guidance to vendors on what is allowed at the rural event venue and what is expected of them.

5-1003 Commencement of Approved Special Uses

- I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval.
 - a. If the permittee has not obtained a Development Permit for the approved Special Use and/or commenced the use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use.
 - b. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5- 1002 B. Impacts on Surrounding Area.
 - c. Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated.
 - d. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application, the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been granted a development permit and/or commenced, and identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

5-1004 Review of Approved Special Uses

5-1004 A. Annual Review.

- I. An annual review by the designated review body shall be held one (1) year after the date of approval or amendment of a Special Use Permit.
- II. Prior to the annual review, notice will be provided to the neighbors and individuals who have commented on the Special Use Permit application.
- III. The review body may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the Special Use permit in the future.

5-1004 B. Extension of Approvals.

Prior to the expiration of the Special Use Permit, a request for extension of the approval may be submitted. Review of a request for an extension of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

5-1004 C. Discontinued or Abandoned Use.

If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be considered to be no longer in effect. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review prior to resumption in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review of Approved Special Uses set forth in 5-1003 I.

5-1005 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved Special Uses and Special Use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-1005 A. Standards

As requirements for approval, the proposed activity shall not:

- I. Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;
- II. Violate any Land Use Code standard;
- III. Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and
- IV. Increase the floor area of the use by more than two (2) percent or decrease the open space on the site by more than three (3) percent.

5-1006 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

- I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
- II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
- III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.
- IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

- V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.
- VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
- VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.
- VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.
- IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:
 - a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
 - b. Fence is limited to 42: in height;
 - c. At least 12” between the top two wires or rails;
 - d. At least 16” between the bottom wire or rail and the ground;
 - e. Posts at minimum 16’ intervals;
 - f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
 - g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
 - h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife passage.
 - i. Perimeter fencing of an entire parcel is discouraged.
 - j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, www.wildlife.state.co.us

- X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

- XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.
- XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution 1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.
- XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

- I. Overgrazing of ranges by livestock shall be prohibited.
- II. Development shall be restricted to areas in which wildlife impacts can be minimized.
- III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.
- IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW

recommendation on a case-by-case basis as necessary to protect the health of the herd.

The project area is located within mapped Bighorn Sheep Winter Range and Elk Winter Severe Winter Range. The proposed project schedule will occur outside of the prohibited time period.

Public Noticing

Per the requirements of LUC Section 3-9, the Public Notice and required sign posting on the subject property was completed by the Applicant on April 12, 2023 for the Planning Commission public hearing. The posting of the required sign was photographically documented. 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 19, 2023 for the Planning Commission public hearing to be held in Telluride and on-line Thursday, May 11, 2023.

Referral Agents

The applicant was provided to the County Manager, County Attorney, County Building Official, County Environmental Health Department, County Road and Bridge Director, County Sheriff, **Colorado Parks and Wildlife, Telluride Fire Protection District**, and the Grayhead at Telluride HOA for review and comment.

Referral Agency Comments

Kelly Crane, Colorado Parks and Wildlife (CPW), stated that any CPW comments or recommendations she might have for this application have already been addressed in the application.

Scott Heidergott, Telluride Fire Protection District (TFPD), state that TFPD approval is contingent upon the applicant complying with the following conditions:

Temporary Structures shall have a serviceable 2A:20BC type fire extinguisher for every 400 square feet in plain view with unobstructed access

All propane tanks shall be secured to a stationary object (tent post, t-post), three or more large tanks may be ratchet strapped to each other, small tanks in milk crates

Pyrotechnic displays are prohibited

Minimum sixteen-foot wide access road clear of obstructions at all times

Public Comments

None received at time of this report

Sample Motion

I move to approve a Special Use Permit (SUP) for Social and Scenic Uses to allow weddings and special events ("Events") for Mark Shambaugh, MOMAS Investment LLC ("Applicant") on the lower area of Lots 4 and 5, Golden Ledge Subdivision the ("Property"), zoned Forestry, Agriculture and Open (F) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-307 D. XII. Social and Scenic Uses, Section 5-10, Special Uses, Section 5-407, Wildlife Habitat Areas, and subject to the following conditions:

1. This Special Use Permit (SUP) is issued to the Applicant, Mark Shambaugh, MOMAS Investment LLC, and does not run with the Land and is not transferable.
2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, and are deemed to be conditions of approval, except to the extent modified by this Motion.
3. The use of the property shall be limited to the areas shown on the site plan. There shall be no further development and use without County Planning approval.
4. Prior to commencing the approved uses of the events venue, the Applicant must submit a Development Permit application with a complete set of plans and be issued a Development Permit by the Planning Department; and must submit a Building Permit application with a complete set of plans to the Building Department, and be issued a Building Permit and complete all proposed improvements.
5. The SUP application as represented indicates that the Applicant is not planning or proposing to construct any new buildings or structures specifically to house or facilitate weddings or other types of events identified herein.
6. An events safety plan shall be finalized and signed off by the Telluride Fire Protection District Fire Marshal.
7. Events are to occur at the lower area of property, as a seasonal use, between June 1 and October 15.
8. The maximum number of full-day events that may be held shall be limited to three (3) per calendar year.
9. If the event is planned to have more than 30 persons, or if the event includes having a bar to serve guests alcohol, the wedding party or event planner shall make arrangements for carpooling guests in vans, i.e., commercial shuttle services, to attend events at Lots 4 and 5, Golden Ledge Subdivision. These services will originate in the Towns of Telluride and Mountain Village and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.
10. All parking for events shall be provided on the property and not within a County Road Rights-of-Way or Mountain Flower Drive.
11. Music from bands or amplified music stop at 11:00 p.m. and events shall stop no later than midnight (12:00 AM). The applicant (Mark Shambaugh) will make a good faith effort to reduce the impact of noise on neighbors from amplified music at the events venue. Noise levels shall not exceed 60 decibels at property lines. It shall be the responsibility of the applicant to ensure noise levels are not exceeded.
12. The Applicant is providing the location for these events and is also responsible for catering, providing sanitary facilities (portable restroom and handwashing facilities), arranging for trash service and packing out trash, and using signs to direct guest to the venue. It is the Applicant's responsibility to ensure all conditions of approval are met.
13. The Applicant's vendors are required to meet all county and state regulations regarding

the provision of food and beverage service, i.e. food and liquor licenses, at the property.

14. The use of bear-proof trash cans and dumpsters shall be utilized on the property.
15. Any and all events at the venue shall comply with the applicable provisions of Fire Restrictions that may be in place at the time of a wedding or event.
16. There shall be an annual review one (1) year after the date of approval of this SUP (May 2024). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING A SPECIAL USE PERMIT FOR SOCIAL AND SCENIC USES TO ALLOW
AN EVENTS VENUE FOR MARK SHAMBAUGH, MOMAS INVESTMENT LLC,
IN THE FORESTRY, AGRICULTURE AND OPEN (F) ZONE DISTRICT**

Resolution 2023-05

WHEREAS, Mark Shambaugh, MOMAS Investment LLC., is the applicant and hereafter “Applicant”, and is the owner of two (2) 35.01-acre parcels (PINs # 456324302004, 456324302005), Lots 4 and 5, Golden Ledge, hereafter “Property,” in the Forestry, Agriculture and Open (F) Zone District, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, the Applicant has submitted an application for a Special Use Permit for Social and Scenic Uses to allow events to occur (“Application”) at the Property, in accordance with San Miguel County Land Use Code Section 5-307 D. XII. Uses allowed subject to one-step Planning Commission Review in the F Zone; and

WHEREAS, Applicant is seeking to establish an events venue as shown on Exhibit B, Site Plan; and

WHEREAS, the Application was referred to the County Manager, County Attorney, County Building Official, County Environmental Health Department, County Road and Bridge Director, County Sheriff, Colorado Parks and Wildlife, Telluride Fire Protection District, and the Grayhead at Telluride HOA for review and comment; and

WHEREAS, on or about April 12, 2023, the Applicant sent Notice of the application and the Planning Commission (CPC) Public Hearing to be held on Thursday, May 11, 2023 to all property owners within 500 feet of the subject parcel, and on or about April 12, 2023 a sign was posted on the property noticing the proposed use and the CPC Public Hearing to be held on May 11, 2023; and

WHEREAS, a Public Hearing Notice for the proposed Special Use Permit and the County Planning Commission meeting to be held on May 11, 2023 was published in the Norwood Post and the Telluride Daily Planet on April 19, 2023; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit C; and

WHEREAS, the Planning Commission of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in person and on-line on Thursday, May 11, 2023.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission of San Miguel County, Colorado, approves a Special Use Permit (SUP) for Social and Scenic Uses to allow weddings and events (“Events”) Mark Shambaugh, MOMAS Investment LLC (“Applicant”) on the lower area of Lots 4 and 5, Golden Ledge Subdivision the (“Property”), zoned Forestry, Agriculture and Open (F) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-307 D. XII. Social and Scenic

Uses, Section 5-10, Special Uses, Section 5-407, Wildlife Habitat Areas, and subject to the following conditions:

1. This Special Use Permit (SUP) is issued to the Applicant, Mark Shambaugh, AB Legacy, Ltd., and does not run with the Land and is not transferable.
2. The use of the property shall be limited to the areas shown on the site plan. There shall be no further development and use without County Planning approval.
3. Prior to commencing the approved uses of the events venue, the Applicant must submit a Development Permit application with a complete set of plans and be issued a Development Permit by the Planning Department; and must submit a Building Permit application with a complete set of plans to the Building Department, and be issued a Building Permit and complete all proposed improvements.
4. The SUP application as represented indicates that the Applicant is not planning or proposing to construct any new buildings or structures specifically to house or facilitate weddings or other types of events identified herein.
5. An events safety plan shall be finalized and signed off by the Telluride Fire Protection District Fire Marshal.
6. Events are to occur at the lower area of property, as a seasonal use, between June 1 and October 15.
7. The maximum number of full-day events that may be held shall be limited to three (3) per calendar year.
8. If the event is planned to have more than 30 persons, or if the event includes having a bar to serve guests alcohol, the wedding party or event planner shall make arrangements for carpooling guests in vans, i.e., commercial shuttle services, to attend events at Lots 4 and 5, Golden Ledge Subdivision. These services will originate in the Towns of Telluride and Mountain Village and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.
9. All parking for events shall be provided on the property and not within a County Road Rights-of-Way or Mountain Flower Drive.
10. Music from bands or amplified music shall stop at 11:00 p.m. and events shall stop no later than midnight (12:00 AM). The applicant (Mark Shambaugh) will make a good faith effort to reduce the impact of noise on neighbors from amplified music at the events venue. Noise levels shall not exceed 60 decibels at property lines. It shall be the responsibility of the applicant to ensure noise levels are not exceeded.
11. The Applicant is providing the location for these events and is also responsible for catering, providing sanitary facilities (portable restroom and handwashing facilities), arranging for trash service and packing out trash, and using signs to direct guest to the venue. It is the Applicant's responsibility to ensure all conditions of approval are met.
12. The Clients of the Applicant are required to meet all county and state regulations regarding the provision of food and beverage service, i.e., food and liquor licenses, at

the property.

13. The use of bear-proof trash cans and dumpsters shall be utilized on the property.
14. Any and all events at the venue shall comply with the applicable provisions of Fire Restrictions that may be in place at the time of a wedding or event.
15. There shall be an annual review one (1) year after the date of approval of this SUP (May 2024). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

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 11, 2023.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____
Lee Taylor, Chair

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

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT "A" Legal Description

EXHIBIT "B" Site Plan

EXHIBIT "C" Public Hearing Record

EXHIBIT A

LEGAL DESCRIPTION

PARCEL NOs. 456324302004, 456324302005

A PORTION OF SECTIONS 24 AND 25, TOWNSHIP 43 NORTH, RANGE 10 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

LOT 4 GOLDEN LEDGE ACC TO PLAT BK 1 PG 2959 THRU 2960 AND DECS AT 344995
REC NOV 8 2001 CONT 35.01 MOL AC

LOT 5 GOLDEN LEDGE ACC TO PLAT BK 1 PG 2959 THRU 2960 AND DECS AT 344995
REC NOV 8 2001 CONT 35.01 MOL AC

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

**EXHIBIT B
SITE PLAN**



EXHIBIT C

Public Hearing Record

County Planning Commission

Application: Mark Shambaugh, MOMAS Investment LLC: Social and Scenic Uses Special Use Permit to allow a wedding and events venue at Lots 4 & 5, Golden Ledge Subdivision

Date: May 11, 2023

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 11, 2023.
4. Draft Planning Commission Resolution 2023-05.
5. Application and Supplements submitted by Mark Shambaugh, MOMAS Investment LLC dated March 20, 2023.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated April 12, 2023.
7. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on May 3, 2023.
8. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on April 19, 2023.

AGENCY COMMENTS

9. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated April 6, 2023.
10. Email received from Kelly Crane, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated April 25, 2023.
11. Email received from Scott Heidergott, Telluride Fire Protection District, to John Huebner, Senior Planner, dated April 20, 2023.

PUBLIC COMMENTS

None received

From: Mark Shambaugh

mpshambaugh@gmail.com

Fee \$850 pd ok 500
date received 3/20/23

Subject: Lot 4, Lot 5, Momas, SUP proposal:

4-202 background information

Date: Mar 17, 2023 at 8:04:54 AM

To: Mark Shambaugh

mpshambaugh@gmail.com

John,

This letter shall confirm that Golden Ledge properties, four and five are owned by MOMAS LLC land trust. I, Mark Shambaugh, I am the general manager and majority owner for this trust set up for my three children. My address is 303 North Pine St. or PO Box 3900 Telluride, CO 81435. I can be reached at [260-740-7807](tel:260-740-7807) or mpshambaugh@gmail.com.

Respectfully,


MOMAS LLC General Manager

Sent from my iPhone



John Huebner <johnh@sanmiguelcountyco.gov>

Golden Ledge Lot 4 or 5 Weddings special use permit submission

1 message

Mark Shambaugh <mpshambaugh@gmail.com>
 To: John Huebner <johnh@sanmiguelcountyco.gov>
 Cc: Mark Shambaugh <mpshambaugh@gmail.com>

Tue, Mar 14, 2023 at 1:05 PM

The following is my submission, subsequent to our pre-application conference, in accordance with San Miguel County Land Use Code , section 4-207 for establishing social and scenic uses such as Weddings and/or family/group gatherings with the attendance of fewer than 200 guest for lot four or five Golden Ledge, which are 35 acre parcels located in the F zone District off Mountain flower Drive. This request is limited to a "maximum "of only three social events total for the combined lots per calendar year!(much less than the recent approval of Golden Ledge Lot 2 R nine events per year). Also,, as you can see on the attached maps, our home sites, four and five, are much higher elevation, and sit back further from Last Dollar Road which means these temporary tents for the events cannot be seen by neighbors down below, people on the road or anybody in Gray Head. This is typically a 40' x 80 to 100' tent. With often a small 20' x 20' smaller tent for cooking and meal preparation's.

4-202.

See attached letter. The owner of the two lots is MOMAS LLC, a Colorado land, holding company with myself as the general partner of this ownership with my three younger children.. my address is PO Box 3900 Telluride, CO 81435 and I live at 303 N. Pine St. 260-740-7807. MP
shambaugh@gmail.com.

4-203

Lots four and five are accessed off Mountain Flower Drive up from Last Dollar Road. Lot 4 parcel number is 456324302004. Lot five is 456324302005. See attached map.

4-204

See attached deeds to the property for proof of ownership which has been held since November 16, 2001.

4-205.

See map for the legal access to parcels four and five within golden ledge development

4-206

The proposed temporary tent put up for the social events, complies with the applicable review standards per the pre-application conference summary.

4-207

See copy of pre-application, conference summary sheet attached

4-208

See site plan with utilization map attached

4-210

In the past revegetation of this high Alpine plateau has not had to be done with the several annual events held up there. There is lots of moisture for regrowth, and the only disturbance is the wedding tent up for a week at a time, often with flooring, which does not kill the vegetation. And I will continue to require several weeks if not months of time span between events so vegetation can recover. The users are required by contract to restore the site to its original condition after each event.

4-211

This is an agricultural property grazed by sheep every year. They seem to control any of the undesirable weeds and I have no noxious weeds on the property that I'm aware of.

5-1002A.

See attached site, plan, photos and drawings, specifying location of the temporary structures and access to the property. This site has been selected for the view that it offers and the high elevation along with set back on the property whereby no neighbors have any direct view Corridor's to see these temporary structures. no guests are allowed to drive and or park vehicles on site. They are required by the contract to use professional transportation with shuttling by vans. Parking is dry limited to the staff only putting on the event (and they are encouraged to carpool)so as not to destroy any native grass or wildflowers on the property. Furthermore, I use the same vendors every time who are very familiar with and understanding of the rules for the event, including minimizing any wear and tear on the site. By not allowing personal vehicles, this reduces dust, traffic, and noise along Last Dollar road. There are temporary bathrooms with one unit per 50 guests set up for each event. Clients are required to arrange the trash service when event is over. They are also required to return the property to its original condition, including any revegetation if needed. Any overnight containers are all animal proof so they are not disturbed by the wildlife. No open fires are allowed on the property. . The users provide appropriate fire extinguishers on site during use. The property will be available from June 1 to October 15. No one is allowed to stay on the property overnight for any reason. And the music hard stop and vacation of the site will conform to the county hours of operation as approved recently on Golden Ledge lot 2 R.

ATTACHMENTS:

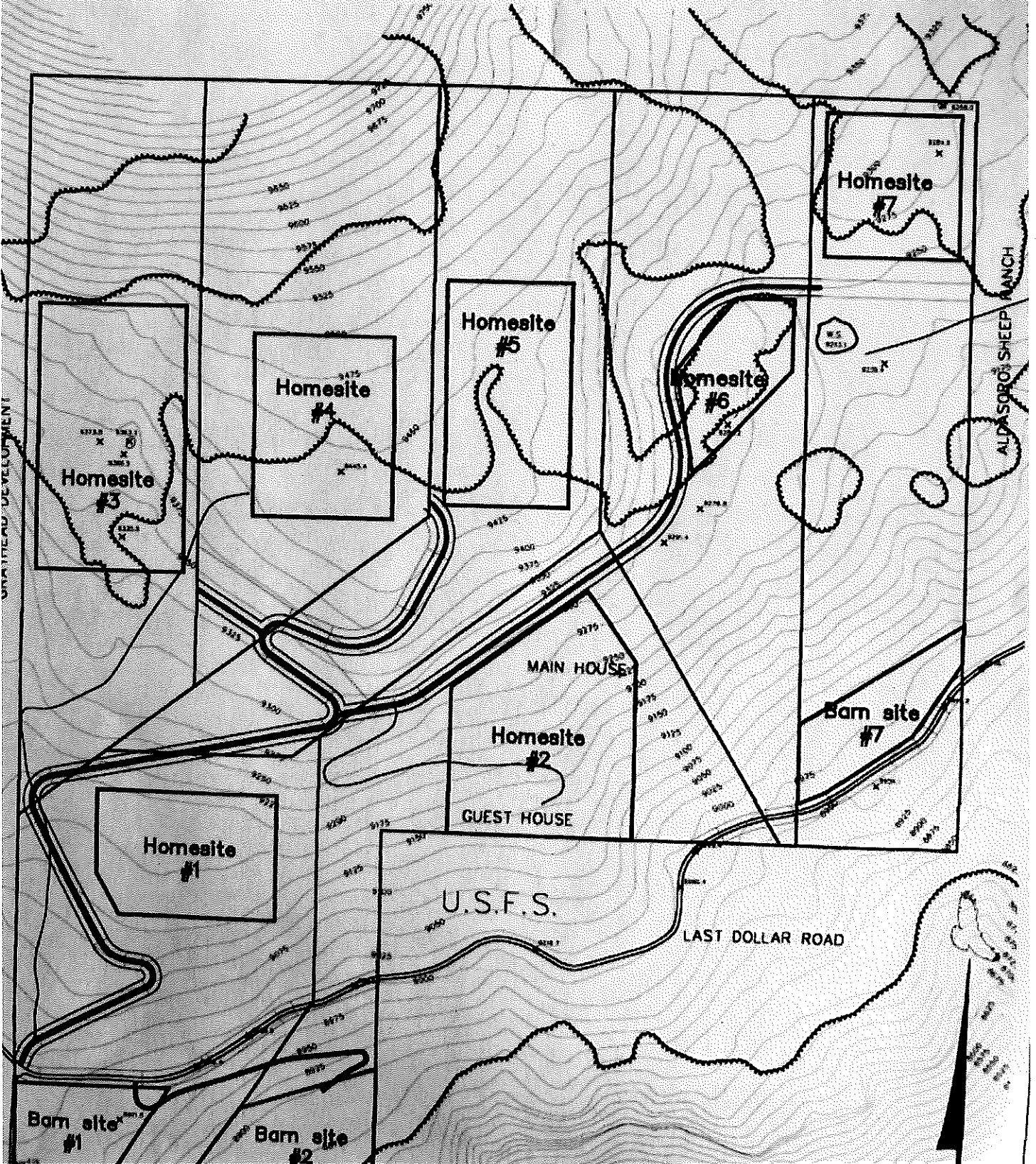
Sent from my iPad



IMG_7697.jpeg
56K



GOLDEN LEDGE



384223

Page 1 of 2

SAN MIGUEL COUNTY, CO

DORIS RUFFE CLERK-RECORDER

05-17-2006 12:13 PM Recordings Fee \$267.00

State Documentary Fee

Date MAY 17, 2006

\$ 256.00

JE

WARRANTY DEED

THIS DEED, made this 17th day of May, 2006, between EDWARD E. SHERIDAN AND DARENDA S. SHERIDAN whose address is 77 KNOLL WOOD ROAD, SHORT HILLS, NJ 07078, grantor, and MOMAS INVESTMENTS, LLC, AN INDIANA LIMITED LIABILITY COMPANY whose legal address is 2233 EAST CEDAR CANYON ROAD, FORT WAYNE, IN 46845, grantee:

WITNESSETH, that the grantor, for and in consideration of the sum of \$2,560,000.00, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of San Miguel and State of Colorado described as follows:

Lot 5, Golden Ledge, according to the plat recorded in the office of the Clerk and Recorder in Plat Book 1 at page 2959; TOGETHER WITH Easements for Ingress and Egress 30 feet in width, over and across all the Easement Areas set forth on said plat for the benefit of said Lot; SUBJECT TO Easements for Utilities, Ingress and Egress for the benefit of others as depicted on said Plat,

County of San Miguel, State of Colorado.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

general taxes for the year 2006, and subsequent years; and those specific exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of Contract to Buy and Sell Real Estate relating to the above described property; distribution utility easements (including cable TV); those specifically

Telluride Mountain Title Company File Number: 6030037

Warranty Deed - (Individual)

Page 1 of 2

described rights of third parties not shown by the public records of which Grantee has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not shown by Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property, inclusion of the property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any.

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.


EDWARD E. SHERIDAN

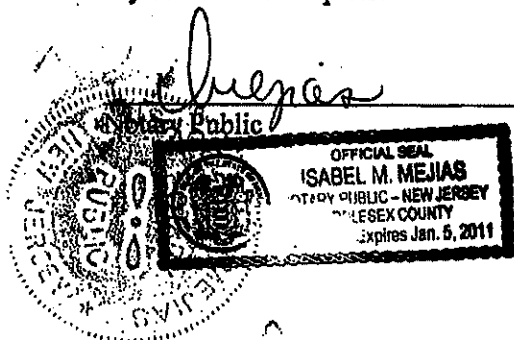

DARENDA S. SHERIDAN

STATE OF NJ)
COUNTY OF Middlesex)§

The foregoing was acknowledged before me this 12th day of May,
2006, by EDWARD E. SHERIDAN AND DARENDA S. SHERIDAN.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:



THIS DEED, Made this 16th day of November, 2001, between
ALBERT J. ALDASORO

of the said County of **MONTROSE** and State of **COLORADO**, grantor, and
MONAS INVESTMENTS, LLC, AN INDIANA LIMITED LIABILITY
COMPANY

whose legal address is 2233 EAST CEDAR CANYON RD.
FORT WAYNE, IN 46845

of the said County of _____ and State of INDIANA

State Documentary Fee

Date **NOV. 16, 2001**

\$ 192.50 RJG

WITNESSETH, That the grantor for and in consideration of the sum of **ONE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND & 00/100** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the said County of **SAN MIGUEL** and State of Colorado described as follows:

Lot 4, Golden Ledge, according to the plat recorded in the office of the Clerk and Recorder in Plat Book 1 at page 2959; TOGETHER WITH Easements for Ingress and Egress 30 feet in width, over and across all the Easement Areas set forth on said plat for the benefit of said Lot; SUBJECT TO Easements for Utilities, Ingress and Egress for the benefit of others as depicted on said Plat, County of San Miguel, State of Colorado.

also known by street and number as: LOT 4, GOLDEN LEDGE, TELLURIDE, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensueing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except **THOSE CONTAINED IN EXHIBIT WD-MOM-1, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

The grantor shall and will **WARRANTY AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

ALBERT J. ALDASORO BY PAMELA M. BENNETT AS HIS ATTORNEY IN FACT

State of **COLORADO**)
) ss.
County of **SAN MIGUEL**)

The foregoing instrument was acknowledged before me this 15 day of November by PAMELA M. BENNETT AS ATTORNEY IN FACT FOR ALBERT J. ALDASORO

My commission expires

Witness my hand and official seal.

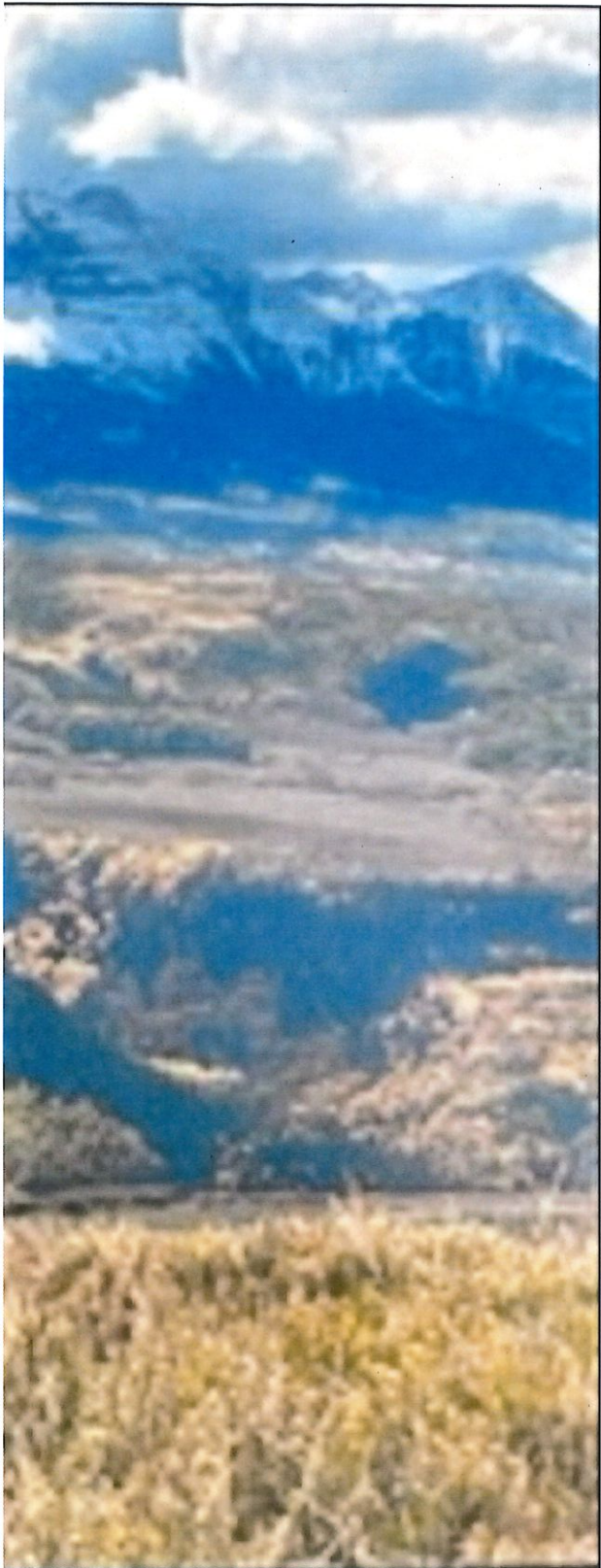
5/30/02

SHARON HELWIG MILLER
NOTARY PUBLIC
STATE OF COLORADO

EXHIBIT WD-MOM-1

1. Taxes for the year 2001 and subsequent years, a lien not yet due and payable.
2. Articles 4, 11 and 24 of the Aldasoro Ranch PUD, as disclosed by Resolution of the Board of County Commissioners, San Miguel County, Colorado, Granting Preliminary Approval for the Aldasoro Ranch Planned Unit Development, recorded February 8, 1991 in Book 474 at page 850, and the First Technical Amendment to the Preliminary Development Plan Approval for the Aldasoro Ranch Planned Unit Development recorded March 21, 1991 in Book 475 at page 860, and Agreement Regarding Aldasoro PUD Agreement dated February 7, 1991, recorded July 28, 1997 in Book 584 at page 401, and Agreement Regarding Aldasoro PUD Agreement dated September 22, 2000, recorded September 25, 2000 at Reception No. 336895, and Agreement Regarding Aldasoro PUD Agreement, recorded November 8, 2001 at Reception No. 344998; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
3. Notice Pursuant to C.R.S. 9-1.5 Concerning Underground Facilities of San Miguel Power Association, Inc.; as recorded at Reception No. 325020; SUBJECT TO the terms, conditions, provisions and obligations as contained therein.
4. Easements, restrictions, reservations, rights of way and all other matters as disclosed on plat of said subdivision.
5. General Declaration for Golden Ledge, recorded November 8, 2001 at Reception No. 344995; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
6. General Assignment and Assumption of Rights and Obligations, recorded November 8, 2001 at Reception No. 344999; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
7. Easement Deed, concerning Last Dollar Road, recorded November 8, 2001 at Reception No. 344996; SUBJEC TO the terms, conditions, provisions and obligations contained therein.
8. Golden Ledge Building Location Covenant, recorded November 8, 2001 at Reception No. 344997; SUBJECT TO the terms, conditions, provisions and obligations contained therein.





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

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.

Name (Insert Applicant's name if executed by agent)

MOMAS LLC.

Physical location of Property and/or legal description

GOLDEN LEDGE LOTS 4&5

Mailing Address (if different from above)

☒ *PO BOX 3900 TELLURIDE, CO, 81435*

Date: *4/6/23*

Signature:

Mark [Signature]

[text/luc/certification.property.owner]



SAN MIGUEL COUNTY

PUBLIC HEARING NOTICE

APPLICANT'S NAME: Mark Shambaugh

MOMAS LLC

APPLICANT'S CONTACT: mpshambaugh@gmail.com

TYPE OF DEVELOPMENT APPLICATION:

Special Use Permit for Scenic and Social Uses

TO ALLOW WEDDINGS AND OTHER EVENTS WITH ATTENDANCE OF

Two Hundred (200) OR FEWER GUESTS AT LOTS 4 & 5, GOLDEN LEDGE

SUBDIVISION, A 70-ACRE PROPERTY, PARCEL NOS 456324302004 AND

456324302005, LOCATED NORTH OF COUNTY ROAD T60, AKA LAST DOLLAR

ROAD OFF MOUNTAIN FLOWER DRIVE, IN THE FORESTRY, AGRICULTURAL

AND OPEN (F) ZONE DISTRICT

DATE OF HEARING: MAY 11, 2023

PLACE OF HEARING: COUNTY MEETING ROOM, TELLURIDE & ONLINE

Join Meeting at <https://zoom.us/join>, Meeting Id # 534.180.495, Password 014764,

Audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

TIME OF HEARING: 10:15 AM (OR THEREAFTER)

DECISION - MAKING BODY:

SAN MIGUEL COUNTY PLANNING COMMISSION

FOR MORE INFORMATION – GO TO www.sanmiguelcountycogov/198/Planning

HOROSCOPE
By SALLY BROMPTON
www.sallybrompton.com

BIRTHDAY WEDNESDAY:
No matter how many times in the past you have managed to get by without making detailed plans you won't get away with it this year.

ARIES (March 21 - April 20):
Some of the changes that have taken place in your environment over the past few days may seem strange but they will make more sense as the week progresses.

TAURUS (April 21 - May 21):
Mars in the communications area of your chart will make it ridiculously easy to persuade friends, loved ones and work colleagues to see things your way.

GEMINI (May 22 - June 21):
If you want someone to do what you ask of them today you will have to back up your request with facts and figures that show it could be a good move for them as well as for you.

CANCER (June 22 - July 23):
There may be a dozen good reasons for putting off a project you have been thinking about for more weeks than you care to remember but there is one overriding reason why you must start it today - because this may be the last chance you get.

LEO (July 24 - Aug. 23):
Don't let your fears get the better of you today because if your rivals sense even a hint of self-doubt on your part they will start circling around like hungry sharks.

VIRGO (Aug. 24 - Sept. 23):
If you are required to take on a task you suspect is going to be too much for you to handle alone you must swallow your pride and ask for assistance.

LIBRA (Sept. 24 - Oct. 23):
Mars in the career area of your chart will encourage you to do whatever it takes to impress an employer or someone in a position of power.

SCORPIO (Oct. 24 - Nov. 22):
If you believe that someone has been keeping things from you then confront them today and insist that they tell you the truth.

It's quite likely they have been looking for a way to tell you anyway, so you'll be making it easier for them.

SAGITTARIUS (Nov. 23 - Dec. 21):
Anyone who is hoping you might soften your stance over an issue you feel strongly about is going to be disappointed.

CAPRICORN (Dec. 22 - Jan. 20):
Mars in your opposite sign makes it essential that you join forces with someone who shares your ambitions.

AQUARIUS (Jan. 21 - Feb. 19):
Remind someone today that you are not their servant. You like to be helpful, of course, but when it gets to the stage that they seem to believe you exist merely to do their bidding a line must be drawn.

PISCES (Feb. 20 - Mar. 20):
Mars, planet of energy, will help you find the confidence to make those changes you have been dreaming of for a very long time - and once you have started on them you must go all the way.

Missed any of our papers this week?
Get news recaps straight to your inbox!
Sign up for THE WEEK IN REVIEW @ TellurideNews.com
... and follow us on social media!

NEW YORK TIMES CROSSWORD

ACROSS
1 Entertain
6 Apples with chips
11 Call upon, as for a position
14 Like a wet blanket
15 Loaded chip
16 Wish undone
17 Fasteners near hasps ... and an anagram of 11-Down
19 Ripen
20 More than a stone's throw away
21 Like a laundry pile
23 Prelude to bandwidth throttling
27 Inserts used in orthodontics
28 Adornment that may have a certain charm
30 Nuptial exchanges
31 Followed a curve
32 Snowboards, in lingo
34 Busy professional in Apr.
37 Talks sweetly
38 Ancient Greek city-state
39 Subsequently
40 E.V. battery capacity unit
41 Ticketed
42 Be the head of, as a band
43 Dos + seis
45 2016 Lucasfilm production starring Felicity Jones
47 In good shape financially
50 Prepared to pop the question, say
51 Thai dish that translates as "fried with soy sauce"
53 The Eiger, for one
54 "___ you serious?"
55 Challenge for a fire-walker ... and an anagram of 25-Down
60 ___ Tagesspiegel (German daily)
61 Word with tail or short
62 Up to now
63 Newsroom folks, for short
64 Justin Timberlake's former band
65 Not self-sufficient
DOWN
1 "Details, please ___?"
2 Ranch sound
3 Supposed Roswell crasher
4 Grass and clay, for tennis
5 Twined together
6 QB goof: Abbr.
7 Ernst who studied sonic booms
8 Yearns (for)
9 Bargain bin finds
10 Some scrubbers
11 Vocational training provider ... and an anagram of 55-Across
12 Foretell
13 Friends and associates, in slang
18 ___ Sea, outlet of the Amu Darya
22 Intro to -logical
23 Arizona player, informally
24 --> or <--
25 Specialized tableware for serving some Mexican food ... and an anagram of 17-Across
26 Presidential candidate of 1992 and 1996
29 Bathroom remodeling specialist
33 Passed without flying colors
35 Tubular pasta variety
36 Paid table stakes
38 Groundbreakers
39 Yogi's balancing stance with arms overhead
41 Root for
42 Something a Tesla driver doesn't need to carry
44 Rite Aid competitor
46 Irsksome buzzer
47 Ground-breaker
48 Like galleys
49 Bit of sleepwear
52 "Say ___"
56 Tolkien horde member
57 Vote for
58 Conducted
59 Farm structure
ANSWER TO PREVIOUS PUZZLE
IDEAL UNIT YAP
NOPRESSURE OOZE
TWEEDLEDEE MUTE
ONE GATE TRADER
METH BIONICS
CANISEESOMEID
UPON FINES WIT
BELT BOGUS THAI
AXE DORMS WAGE
FLUXCAPACITOR
MATINEE OBIT
INTEND WIIG REM
SNUG STANDASIDE
TIRE EASTEREGGS
YEN TOPS SWAYS
PUZZLE BY BEN ZOON
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Read about and comment on each puzzle: nytimes.com/wordplay.

Legal Notices

Notice to First Mortgagees Regarding Consent to First Amended and Restated Declaration
Dahl Haus Condominiums Association, Inc., a Colorado nonprofit corporation

April 29, 2023

Property: Dahl Haus Condominiums, a condominium community established pursuant to the Condominium Map recorded April 6, 1984 in Plat Book 1 at page 487, Reception No. 233399, as amended, and the Condominium Declaration recorded April 6, 1984 in Book 410 at page 236, Reception No. 233400, as amended, San Miguel County, Colorado, known by street and number as 122-126 South Oak Street, Telluride, Colorado 81435

To: Any and All First Mortgagees at the above-referenced Property:

Please take notice that Dahl Haus Condominiums Association, Inc., a Colorado nonprofit corporation ("the Association") has issued a proposed First Amended and Restated Declaration.

Pursuant to C.R.S. sec. 38-33.3-217, this Notice is being printed at least twice, on separate occasions at least one week apart, in a newspaper of general circulation in San Miguel County, Colorado. If a First Mortgagee does not deliver to the Association a negative response within sixty (60) days after the date of this notice, the First Mortgagee will be deemed to have approved the proposed amendments.

Full Circle HOA Management
560 Mountain Village Boulevard, Suite 102B
Mountain Village, Colorado 81435
Tel: 970-369-1428
E-mail: elysa@fullcirclehoa.com

PUBLIC HEARING NOTICE

The San Miguel County Board of Commissioners has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc, for a Rezoning to Mixed-Use Development Zone District and for a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel" a 20-acre property located three miles west of the Town of Telluride on Highway 145 southwest of the Society Turn Roundabout.

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 the fourth step of a Five-Step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Section 5-14, 3-601 E. and 3-702 B.

A Public Hearing on the above application will be held by the San Miguel County Board of County Commissioners on Wednesday, May 17, 2023 at 10:00 a.m. or thereafter, in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting at 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).

Please call the Planning Department at 970-728-3083 for more information on the application. A complete text of this proposal may be viewed at https://societyturn.info/. The official designated posting place for all meeting notices will be online at http://www.sanmiguelcountycogov/liveagenda.

Written comments of more than one page may not receive complete consideration if not received by May 10, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguel-countycogov

TOWN OF MOUNTAIN VILLAGE
NOTICE

Notice is hereby given that the following Ordinance passed on the first reading at the Town of Mountain Village Town Council meeting held April 20, 2023. The second reading, public hearing and final Council vote will take place on Thursday, May 18, 2023 at 2:00 p.m., in the 2nd floor conference room, Mountain Village Town Hall, Mountain Village and via Zoom. Ordinances are available for review during regular business hours in the office of the Town Clerk, 455 Mountain Village Blvd, Suite A, Mountain Village or on the website at www.townofmountainvillage.com.

Ordinance Amending the Municipal Code Section 2.10.040 Relating to Town Council PERA Compensation

Ordinances will be codified and incorporated into the Town of Mountain Village Municipal Code prior to effective date or as soon as practicable after an emergency ordinance has passed.

PUBLIC MEETING NOTICE

The San Miguel County Vegetation Control & Management (VC&M) Dept is proposing to modify the Noxious Weed Management Plan (NWMP) for San Miguel County.

A public meeting on this modification will be held by the San Miguel County BOCC and the County's VC&M Dept at 10:00 am on Wed, June 7, 2023.

To provide comments/ask questions about this modification, please join the public meeting in person at the Miramonte building, 2nd floor conf room, 333 W Colorado Ave in Telluride or via Zoom https://us02web.zoom.us/j/534180495 Meeting ID: 534 180 495 Passcode 014764 One tap mobile+12532158782, 534180495# US audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

To obtain a copy of the proposed NWMP or to send written comments, contact Julie Kolb, Manager, VC&M, PO Box 130, Norwood, CO 81423 or email at juliek@sanmiguelcountycogov

COUNTY PLANNING COMMISSION
THURSDAY, MAY 11, 2023 - 10:00 AM
Online & 333 W Colorado Ave Rm 201

MEETING INFORMATION - This meeting will be held online and in person. 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)

We kindly request that people attending meetings in person wear a mask.

9:00 a.m. Site Walk: Lots 4&5, Golden Ledge off Last Dollar Road

1. 10:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

3. 10:15 A.M. PUBLIC HEARING: LAND USE APPLICATION
a. Applicant: Mark Shambaugh, MOMAS LLC
Location: Lots 4 and 5, Golden Ledge Subdivision
Parcel size: 70 acres
Zone District: Forestry, Agriculture and Open (F)
Proposal: Social and Scenic Uses Special Use Permit / MOTION

4. BUILDING CODE AMENDMENT RECOMMENDATION

5. EAST END MASTER PLAN UPDATE

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 bocce@sanmiguelcountycogov prior to the meeting.

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

NOTICE OF A PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

Notice is hereby given that on May 18, 2023, at 5:30 p.m. or thereafter via Hybrid meeting at www.Zoom.us "Join a Meeting" or by Phone at 1-301-715-8592 or 1-253-215-8782. Meeting ID # 835 9697 1521; Password: 428265

A Hearing will be held to consider:
PROJECT TITLE: Law Offices of Ethan A. Miller- Home Occupation- Use Permitted on Review
SUMMARY: Consideration by the Planning and Zoning Commission of a Use Permitted on Review to allow a Home Occupation, Pursuant to Land Use Code Article 6, Division 1,
LEGAL DESCRIPTION: Lot 33, Block 5, West Telluride Addition to the Town of Telluride, according to the plat recorded June 20, 1891, in Plat Book 28, Page 7, County of San Miguel, State of Colorado
ADDRESS: 430 West Colorado Avenue
ZONE DISTRICT: Historic Residential
OWNER: Ethan A. Miller
APPLICANT: Ethan A. Miller
STAFF MEMBER: Phil Taylor, Senior Planner
More complete information is on file and available at Rebekah Hall, 113 W. Columbia, (970)728-2170. Published in the Telluride Daily Planet on May 3, 2023, and posted at www. telluride-co.gov

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Norwood Classifieds

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San Miguel County
is Hiring!

All positions are full-time,
year-round and include a
comprehensive benefits package!

Special Projects Director

Case Worker I

Manager of Operations
(Parks & Open Space Department)

Correctional Officer/
Emergency Dispatcher

To view the complete job
descriptions, compensation,
benefits and to officially apply for
any of the County's open career
opportunities, please visit:
www.sanmiguelcountyco.gov/jobs

San Miguel County is an
Equal Opportunity Employer (EOE).

Blue Grouse Bread is hiring!
Seeking a delivery driver for M,W,Fr deliveries.
Fun folks, free bread, competitive pay.
bluegrousebread@gmail.com



San Miguel County
is hiring!

Summer Seasonal Positions

Parks & Trails Aide
\$20.00 per hour
28 hours per week

Noxious Weed
Management Technician (2)
\$20.00 per hour
28 hours a week

To view the complete job descriptions and
to officially apply for any of the County's open
career opportunities, please visit:
www.sanmiguelcountyco.gov/jobs

San Miguel County is an
Equal Opportunity Employer

Help Wanted



San Miguel County
is Hiring!

All positions are full-time, year-round and
include a comprehensive benefits package!

Light Equipment Operator/
Truck Driver
Or
Heavy Equipment Operator
(DOQ)

Lead Mechanic

To view the complete job descriptions,
compensation, benefits and to officially apply
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opportunities, please visit:
www.sanmiguelcountyco.gov/jobs

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Kastle Keepers has a rare opening and are
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Manager position in our established
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A construction trade background
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Requirements:
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Uncompahgre Medical Center
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40 hours a week
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Employee Assistance Program, Retirement
Plan; 176 hours of PTO; Wellness Benefit

Send resume and cover letter to
aoneal@umclinic.org

Legal Notices

The Farmers' Water Development Company (FWDC) has received written request to replace a lost, destroyed or wrongfully taken share certificate #512 currently issued in the name Anne M. Shaffer. Unless written notice of objection to the issuance of a replacement share certificate is filed with FWDC, PO Box 10, Norwood, CO 81423 within 30 days of the last date of publication in the Norwood Post, a replacement share certificate will be issued to the shareholder and the original share certificate will be permanently cancelled on the records of FWDC.

COUNTY PLANNING COMMISSION
THURSDAY, MAY 11, 2023 - 10:00 AM
Online & 333 W Colorado Ave Rm 201

MEETING INFORMATION - This meeting will be held online and in person. 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)

We kindly request that people attending meetings in person wear a mask.

9:00 a.m. Site Walk: Lots 4&5, Golden Ledge off Last Dollar Road

1. 10:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

3. 10:15 A.M. PUBLIC HEARING: LAND USE APPLICATION
a. Applicant: Mark Shambaugh, MOMAS LLC
Location: Lots 4 and 5, Golden Ledge Subdivision
Parcel size: 70 acres
Zone District: Forestry, Agriculture and Open (F)
Proposal: Social and Scenic Uses Special Use Permit / MOTION

4. BUILDING CODE AMENDMENT RECOMMENDATION

5. EAST END MASTER PLAN UPDATE

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 hocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated 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.

PUBLIC MEETING NOTICE

The San Miguel County Vegetation Control & Management (VC&M) Dept is proposing to modify the Noxious Weed Management Plan (NWMP) for San Miguel County.

A public meeting on this modification will be held by the San Miguel County BOCC and the County's VC&M Dept at 10:00 am on Wed, June 7, 2023.

To provide comments/ask questions about this modification, please join the public meeting in person at the Miramonte building, 2nd floor conf room, 333 W Colorado Ave in Telluride or via Zoom <https://us02web.zoom.us/j/534180495>
Meeting ID: 534 180 495 Passcode 014764 One tap mobile+12532158782, 534180495# US audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

To obtain a copy of the proposed NWMP or to send written comments, contact Julie Kolb, Manager, VC&M, PO Box 130, Norwood, CO 81423 or email at juliek@sanmiguelcountyco.gov

PUBLIC HEARING NOTICE

The San Miguel County Board of Commissioners has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc, for a Rezoning to Mixed-Use Development Zone District and for a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel" a 20-acre property located three miles west of the Town of Telluride on Highway 145 southwest of the Society Turn Roundabout. Rezoning and Preliminary Plan Subdivisions and Planned Unit Developments applications are subject to Two-step Review, i.e. review and recommendation at a Public Meeting by the Planning Commission (CPC) and review and action at a Public Hearing by the Board of County Commissioners (BOCC).

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 the fourth step of a Five-Step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Section 5-14, 3-601 E. and 3-702 B.

A **Public Hearing** on the above application will be held by the San Miguel County Board of County Commissioners on **Wednesday, May 17, 2023** at 10:00 a.m. or thereafter, in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting at <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).

Please call the Planning Department at 970-728-3083 for more information on the application. A complete text of this proposal may be viewed at <https://societyturn.info/>. The official designated posting place for all meeting notices will be online at <http://www.sanmiguelcountyco.gov/liveagenda>.

Written comments of more than one page may not receive complete consideration if not received by May 10, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

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Please publish the following Legal **PUBLIC MEETING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, APRIL 19, 2023

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Mark Shambaugh, General Manager, MOMAS LLC (Applicant) owner of Lots 4 & 5, Golden Ledge Subdivision, proposing a Special Use Permit for Scenic and Social Uses, to allow for weddings and other events with attendance of two hundred (200) or fewer guests, on the 70-acre property, Parcels Nos. 456324302004, 456324302005 located north of County Road T60, aka Last Dollar Road, off Mountain Flower Drive, in the Forestry, Agricultural and Open (F) zone district. Special Use Permits for Social and Scenic Uses with attendance of two-hundred (200) or fewer guests require One-step review by the Planning Commission pursuant to Land Use Code Section 5-307 D. XI.

A public hearing on the above application will be held by the San Miguel County Planning Commission at 10:15 a.m. (or thereafter) Thursday, May 11, 2023 in Telluride and on-line. To provide comment or ask questions regarding the proposal, please 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).

Written comments of more than one page may not receive complete consideration if not received by May 3, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending land use application may be viewed at <https://www.sanmiguelcountyco.gov/490/Other-Resources>

The official designated posting place for all meeting notices is online at <https://www.sanmiguelcountyco.gov/liveagenda>.

Legal Notices

PUBLIC MEETING NOTICE

The San Miguel County Board of Health, on behalf of the Public Health Department, has been asked to consider a fee restructuring proposal for Onsite Wastewater Treatment System (OWTS) permitting, engineering review, and administration submitted by Kevin Chaney, San Miguel County OWTS manager.

A public meeting on the above proposal will be held by the San Miguel County Board of Health for the Public Health Department at 12:15 p.m. Wednesday, May 3, 2023. To provide comments or ask questions regarding the appeal, please join the meeting:
https://us02web.zoom.us/j/534180495; Meeting ID: 534 180 495; Passcode: 014764
Dial in: +17193594580 - 534180495# US OR +12532050468 - 534180495# US (long-distance rates may apply).

Send written comments to: San Miguel County Public Health Department, P.O. Box 949, Telluride, CO 81435, or to OWTS@sanmiguelcountycogov

The Farmers' Water Development Company (FWDC) has received written request to replace a lost, destroyed or wrongly taken share certificate #512 currently issued in the name Anne M. Shaffer. Unless written notice of objection to the issuance of a replacement share certificate is filed with FWDC, PO Box 10, Norwood, CO 81423 within 30 days of the last date of publication in the Norwood Post, a replacement share certificate will be issued to the shareholder and the original share certificate will be permanently cancelled on the records of FWDC.

PLEASE TAKE NOTICE that the Norwood Board of Trustees will hold a public hearing on **WEDNESDAY, MAY 10, 2023**, beginning at 7 p.m. will consider the request for approval of Replat application known as the Mesa Vista Replat. This meeting will be held in-person and virtually. Information on how to attend this meeting can be found at www.norwoodtown.com or you can call Town Hall at 970-327-4288.

COMBINED NOTICE - PUBLICATION
CRS §38-38-103 FORECLOSURE SALE NO. 2023-01

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:
On January 18, 2023, 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) Alexander S. Hartman
Original Beneficiary(ies) MetLife Home Loans, a Division of MetLife Bank, N.A.
Current Holder of Evidence of Debt Mortgage Assets Management, LLC
Date of Deed of Trust August 07, 2009
County of Recording San Miguel
Recording Date of Deed of Trust August 17, 2009
Recording Information (Reception No. and/or Book/Page No.) 408338
Original Principal Amount \$249,750.00
Outstanding Principal Balance \$251,569.08
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.

ALL THAT PARCEL OF LAND IN SAN MIGUEL COUNTY, STATE OF COLORADO, BOUNDED AND DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 27, TOWNSHIP 45 NORTH, RANGE 13 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING 30 FEET SOUTH AND 145 FEET EAST OF THE 1/4 CORNER COMMON TO SECTION 22 AND 27 IN TOWNSHIP 45 NORTH, RANGE 13 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN;
THENCE SOUTH A DISTANCE OF 286 FEET;
THENCE EAST A DISTANCE OF 77.5 FEET;
THENCE NORTH A DISTANCE OF 286 FEET;
THENCE WEST A DISTANCE OF 77.5 FEET TO THE POINT OF BEGINNING.
COUNTY OF SAN MIGUEL STATE OF COLORADO

*Pursuant Corrective Affidavit Re: Scrivener's Error to C.R.S §38-35-109(5) Recorded on 12/15//2015 with reception no. 440545 in San Miguel County, Colorado
Also known by street and number as: 1730 Grand Avenue, Norwood, CO 81423.

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.
If applicable, a description of any changes to the deed of trust described in the notice of election and demand pursuant to affidavit as allowed by statutes: *Pursuant Corrective Affidavit Re: Scrivener's Error to C.R.S §38-35-109(5) Recorded on 12/15//2015 with reception no. 440545 in San Miguel County, Colorado

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, 05/18/2023, 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 3/22/2023
Last Publication 4/19/2023
Name of Publication 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: 01/18/2023
/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:
Holly Shilliday #24423
Ilene Dell'Acqua #31755
Steven Bellanti #48306
McCarthy & Holthus LLP 7700 E. Arapahoe Road Suite 230, Centennial, CO 80112 (877) 369-6122

Attorney File # CO-22-950002-LL
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

COMBINED NOTICE - PUBLICATION
CRS §38-38-103 FORECLOSURE SALE NO. 2023-04

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:
On February 9, 2023, 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 1, 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
Re-Recording Date of Deed of Trust June 02, 2022
Re-Recording Information (Reception No. and/or Book/Page No.) 476892
Original Principal Amount \$1,525,000.00
Outstanding Principal Balance \$2,028,000.00
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.

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 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, 06/08/2023, 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 4/12/2023
Last Publication 5/10/2023
Name of Publication 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: 02/09/2023
/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:
BURNS, WALL AND MUELLER, P.C. 303 EAST SEVENTEENTH AVE, SUITE 920, DENVER, CO 80203 (303) 830-7000
Attorney File # 5159-31
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

U.S.

States confront medical debt that's bankrupting millions

By **JESSE BEDAYN**
The Associated Press/Report for America

Cindy Powers was driven into bankruptcy by 19 life-saving abdominal operations. Medical debt started stacking up for Lindsey Vance after she crashed her skateboard and had to get nine stitches in her chin. And for Misty Castaneda, open heart surgery for a disease she'd had since birth saddled her with \$200,000 in bills.

These are three of an estimated 100 million Americans who have amassed nearly \$200 billion in collective medical debt — almost the size of Greece's economy — according to the Kaiser Family Foundation.

Now lawmakers in at least a dozen states and the U.S. Congress have pushed legislation to curtail the financial burden that's pushed many into untenable situations: forgoing needed care for fear of added debt, taking a second mortgage to pay for cancer treatment or slashing grocery budgets to keep up with payments.

Some of the bills would create medical debt relief programs or protect personal property from collections, while others would lower interest rates, keep medical debt from tanking credit scores or require greater transparency in the costs of care.

In Colorado, House lawmakers approved a measure last Wednesday that would lower the maximum interest rate for medical

debt to 3 percent, require greater transparency in costs of treatment and prohibit debt collection during an appeals process.

If it became law, Colorado would join Arizona in having one of the lowest medical debt interest rates in the country. North Carolina lawmakers have also started mulling a 5 percent interest ceiling.

But there are opponents. Colorado Republican state Sen. Janice Rich said she worried that the proposal could “constrain hospitals’ debt collecting ability and hurt their cash flow.”

For patients, medical debt has become a leading cause of personal bankruptcy, with an estimated \$88 billion of that debt in collections nationwide, according to the Consumer Financial Protection Bureau. Roughly 530,000 people reported falling into bankruptcy annually due partly to medical bills and time away from work, according to a 2019 study from the American Journal of Public Health.

Powers’ family ended up owing \$250,000 for the 19 life-saving abdominal surgeries. They declared bankruptcy in 2009. Then the bank foreclosed on their home.

“Only recently have we begun to pick up the pieces,” said James Powers, Cindy’s husband, during his February testimony in favor of Colorado’s bill.

In Pennsylvania and Arizona, lawmakers are considering medical debt relief programs that would

use state funds to help eradicate debt for residents. A New Jersey proposal would use federal funds from the American Rescue Plan Act to achieve the same end.

Bills in Florida and Massachusetts would protect some personal property — such as a car that is needed for work — from medical debt collections and force providers to be more transparent about costs. Florida’s legislation received unanimous approval in House and Senate committees on its way to votes in both chambers.

In Colorado, New York, New Jersey, Illinois, Massachusetts and the U.S. Congress, lawmakers are contemplating bills that would bar medical debt from being included on consumer reports, thereby protecting debtors’ credit scores.

Castaneda, who was born with a congenital heart defect, found herself \$200,000 in debt when she was 23 and had to have surgery. The debt tanked her credit score and, she said, forced her to rely on her emotionally abusive husband’s credit.

For over a decade Castaneda wanted out of the relationship, but everything they owned was in her husband’s name, making it nearly impossible to break away. She finally divorced her husband in 2017.

“I’m trying to play catch-up for the last 20 years,” said Castaneda, 45, a hairstylist from Grand Junction on Colorado’s Western Slope.



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BY SALLY BROMPTON
www.sallybrompton.com

BIRTHDAY WEDNESDAY:
You don't have to be on the go 24 hours a day and the message of your birthday chart is that you will accomplish more if you slow down a bit both at home and at work. Do less work for other people and more for yourself.

ARIES (March 21 - April 20):
The Sun leaves your sign tomorrow but that does not mean you should tone down your ambitions. On the contrary, as there is also a solar eclipse in your sign you should be aiming for the stars – they're a lot closer than you think.

TAURUS (April 21 - May 21):
Before the Sun enters your sign tomorrow there is an eclipse in the most sensitive area of your chart, which means you can and you must face up to those inner demons that have been holding you back. There's actually precious little to fear.

GEMINI (May 22 - June 21):
This is a good time to look back over the year so far and assess how much progress you have made both personally and professionally. Chances are you are doing a lot better than you thought you would – and there are even better times to come.

CANCER (June 22 - July 23):
You can be a bit too cautious at times but the approaching eclipse will encourage you to throw off your self-imposed shackles and show the world what you are capable of. nature permission to shine.

LEO (July 24 - Aug. 23):
The Sun's move into the career area of your chart tomorrow means you will be challenged to do more and do better on the work front over the next few weeks. No more wasting time and energy on trivial activities and trivial people.

VIRGO (Aug. 24 - Sept. 23):
Your money situation should get a boost from tomorrow's eclipse but, more importantly, the Sun's change of signs will give the adventurous side of your nature a huge assist. It's there, lurking in the background, but now it will come to the fore.

LIBRA (Sept. 24 - Oct. 23):
There is a danger you will take what other people say and do too seriously over the next 24 hours. Whatever friends or colleagues say about what you are doing you must not let it distract you. You're on exactly the right course, so keep going.

SCORPIO (Oct. 24 - Nov. 22):
You need to get your act together so you are in tip-top condition to handle the challenges that are coming your way. The Sun's

move into your opposite sign tomorrow means you must expect some opposition to your plans. Fight for what you believe in.

SAGITTARIUS (Nov. 23 - Dec. 21):
If you have strong opinions about a social issue of some kind you must speak up and add your voice to the growing chorus of disapproval. Don't just support it from afar, get directly involved and add some passion to the cause.

CAPRICORN (Dec. 22 - Jan. 20):
The Sun moves into the most dynamic area of your chart tomorrow and immediately you will feel the difference both inside and out. You may or may not start something new but whatever you do will be of a quality your rivals cannot match.

AQUARIUS (Jan. 21 - Feb. 19):
Differences of opinion on the home front are inevitable over the next few days but in a way that's good because until certain issues are confronted they will continue to fester. Bad feelings can be turned to good feelings if you meet others halfway.

PISCES (Feb. 20 - Mar. 20):
If someone tells you to go one way today you will go the other way. If someone tells you to mind your own business you will stick your nose in for the fun of it. You're in no mood to take orders, not even from people you love.

NEW YORK TIMES CROSSWORD



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THE WEEK IN REVIEW

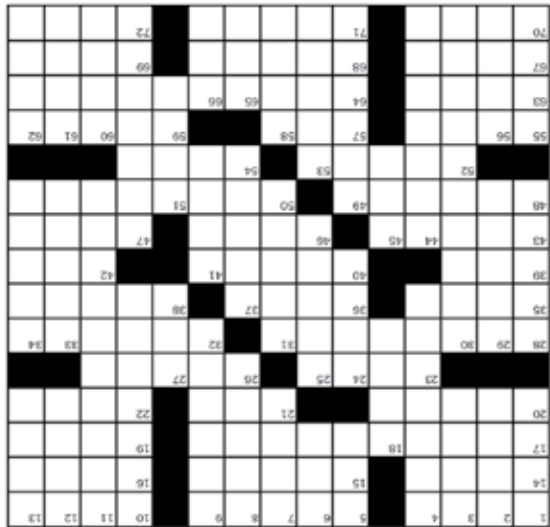
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- ANSWER TO PREVIOUS PUZZLE
- 35 Black, in verse
32 Shapes up
28 With 50-Across, blue streak
26 Rice option
23 Word after high
22 Whac-A-
21 Person you might see in August?
20 Catalog
19 Symbol seen on more than 30% of the world's campuses in
17 Barrel of
16 Atmospheric glow
15 Buildup of tanks?
14 Brainchild
40 Leather band
39 Bit of ink
38 Dora the Explorer's cousin
36 Barrier in certain zoo enclosures
- 55 Blue-green shade
54 Life-or-death
52 Partner of
50 See 28-Across
48 Ghost in the machine
47 Voter on a referendum
46 Eye affliction
43 Sch. with
42 Landon who lost in a landslide to F.D.R.
41 Start of a fairy tale
40 Knock me down with a feather
39 Rip
38 "Doodles," but more formally
36 Florida politico

- DOWN
- 1 Skirt covering the knees
2 Noodles often served in broth
3 Oversee, as a flock
4 Adopts
5 Insert a token, say
6 Slight at Rocky Mountain National Park
7 Excited
8 Accumulated, as charges
9 Goes by foot, informally
10 Rice option
11 Unobtainable
12 motor
13 Tim
18 C.T.O. or C.F.O.



- 33 Home with a dome
34 Giant head?
37 Messed (with)
25 They can be parting
24 Paper pushers?
28 Sting operation, e.g.
29 "A Promised Land" author, 2020
30 "No way!"
45 Chump
44 Burn like embers informally
41 Spa treatment, informally
37 Messed (with)
34 Giant head?
53 More even-keeled
55 Walked (on)
56 Tiny, informally
58 Orientation inits.
60 It makes up about a third of our planet's mass
44 Burn like embers informally
45 Chump
47 Playoff ranking
49 One side of the Hoover Dam
51 Get, as a quick lunch
66 "Huzzah!"

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Legal Notices

- COUNTY PLANNING COMMISSION THURSDAY, APRIL 20, 2023 – 10:00 AM**
Online & 110 Summit St. Norwood
- MEETING INFORMATION -** This meeting will be held online and in person. 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)
- We kindly request that people attending meetings in person wear a mask.**
- 9:00 a.m. Site Walk** 41923 Highway 145, Norwood
- 1. 10:00 A.M. CALL TO ORDER**
- 2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS**
- a. Approval of the March 9, 2023 minutes.
- 3. 10:15 A.M. PUBLIC HEARING: LAND USE APPLICATION**
- a. Applicant: Morgan Rummel, M/Rummel Investments LLC
Location: "La Sal Vista Subdivision", 41923 State Highway 145 located west of the town of Norwood across from the San Miguel County Fairgrounds
Parcel size: 14.64 acres
Proposal: Sketch Plan for Subdivision / MOTION
- 4. LAND USE CODE AMENDMENT RECOMMENDATION**
- a. Amending Land Use Code Sections 5 - 704. Signs, 5-70 Transportation Requirements and adding Section 5-711 Storage Sheds / MOTION
- 5. EAST END MASTER PLAN UPDATE**
- 6. ADJOURN**

COMBINED NOTICE - PUBLICATION
CRS §38-38-103 FORECLOSURE SALE NO. 2023-04

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:
On February 9, 2023, 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)
Original Beneficiary(ies)
Current Holder of Evidence of Debt
Date of Deed of Trust
County of Recording
Recording Date of Deed of Trust
Recording Information (Reception No. and/or Book/Page No.)
Re-Recording Date of Deed of Trust
Re-Recording Information (Reception No. and/or Book/Page No.)
Original Principal Amount
Outstanding Principal Balance
Pursuant to CRS 38-38-101(4)(f) 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.

THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.
LOT 4, THE BLUES, 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 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.

THE REFERENCE Notice is hereby given that I will at public auction, at 10:00 A.M. on Thursday, 06/08/2023, 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
Last Publication
Name of Publication
4/12/2023
5/10/2023
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: 02/09/2023
/s/: Brandt 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:
BURNS, WALL AND MUELLER, P.C. 303 EAST SEVENTEENTH AVE, SUITE 920, DENVER, CO 80203 (303) 830-7000
Attorney File # 5159-31
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

PLACE A LEGAL
Call Telluride Local Media
TODAY!
Dial 728-9788
to find out more!

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SAN MIGUEL COUNTY

PUBLIC HEARING NOTICE

APPLICANT'S NAME: Mark Shambaugh

MOMAS LLC

APPLICANT'S CONTACT: mpshambaugh@gmail.com

TYPE OF DEVELOPMENT APPLICATION: _____

Special Use Permit for Scenic and Social Uses

TO ALLOW WEDDINGS AND OTHER EVENTS WITH ATTENDANCE OF

Two Hundred (200) OR FEWER GUESTS AT LOTS 4 & 5, GOLDEN LEDGE

SUBDIVISION, A 70-ACRE PROPERTY, PARCEL NOS 456324302004 AND

456324302005, LOCATED NORTH OF COUNTY ROAD T60, AKA LAST DOLLAR

ROAD OFF MOUNTAIN FLOWER DRIVE, IN THE FORESTRY, AGRICULTURAL

AND OPEN (F) ZONE DISTRICT

DATE OF HEARING: MAY 11, 2023

PLACE OF HEARING: COUNTY MEETING ROOM, TELLURIDE & ONLINE

Join Meeting at <https://zoom.us/join>, Meeting Id # 534.180.495, Password 014764,

Audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

TIME OF HEARING: 10:15 AM (OR THEREAFTER)

DECISION - MAKING BODY: _____

SAN MIGUEL COUNTY PLANNING COMMISSION

FOR MORE INFORMATION – GO TO www.sanmiguelcountycogov/198/Planning



John Huebner <johnh@sanmiguelcountyco.gov>

San Miguel County Planning Agency Referral: Lots 4&5, Golden Ledge Subd Special Use Permit

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Thu, Apr 6, 2023 at 4:12 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Chris Smith <chriss@sanmiguelcountyco.gov>, Kelly Crane <kelly.crane@state.co.us>, Scott Heidergott <sheidergott@telluridefire.com>, Shellie Duplan <director@aldasororanch.com>, Dirk de Pagter <dirk@telluriderealestatebrokers.com>, Jim Lucarelli <jim@tellurideaffiliates.com>, grayheadpoa@gmail.com

All,

Attached for your review and comment is an Application received from Mark Shambaugh, MOMAS LLC for a Scenic and Social Special Use Permit application proposing weddings and other events with fewer than 200 guests located on a 70-acre property, located north of County Road T60 (Last Dollar Road) off Mountain Flower Drive west of the Town of Telluride Colorado. Please provide comments by April 27, 2023 and let me know if you have any questions.

Best regards,

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



For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan



MOMAS LLC.Lots 4.5.Golden Ledge.SUP.2023.complete 4.6.23 (signed) - Copy.pdf
2928K



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

MEMORANDUM

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Bill Masters, County Sheriff
Matt Gonzales, County Building Official
Chris Smith, County Environmental Health Department
Kelly Crane, Colorado Parks and Wildlife
Scott Heidergott, Telluride Fire Protection District
Golden Ledge HOA
Deep Creek Ranches HOA
Aldasoro Ranch HOA
Meadows at Deep Creek HOA
Grayhead at Telluride HOA

FROM: John Huebner, Senior Planner

RE: Special Use Permit – Social and Scenic Uses (weddings / events)
Lots 4 & 5, Golden Ledge Subdivision

APPLICANT: Mark Shambaugh, General Manager, MOMAS LLC

DATE: April 6, 2023

The above-referenced application is attached for your review and comment. The Planning Commission meeting date is Thursday, May 11, 2023. Please provide your review comments by April 27, 2023 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

April 6, 2023

Mark Shambaugh, General Manager
MOMAS LLC

Via Email: mpshambaugh@gmail.com

Re: Certification of Application Completeness: Social and Scenic Uses Special Use Permit, Lots 4 and 5, Golden Ledge Subdivision

Mark,

The purpose of this correspondence is to serve as notification (in accordance with Section 3-202 E. of the San Miguel County Land Use Code) that the application submitted for Social and Scenic Uses Special Use Permit to allow for weddings and other events with attendance of two hundred (200) or fewer guests at Lots 4 & 5, Golden Ledge Subdivision is complete. It should be noted that a determination of application completeness shall not necessarily constitute a determination of compliance with the substantive requirements of the County Land Use Code. Additional information may be required after further review by the referral agencies and County staff. The Planning Commission may also require more materials or information to be supplied by you as the applicant during the public review process.

The Land Use Code (LUC) Section 5-10, Special Uses was updated by San Miguel County prior to receiving your application. This application is subject to the new requirements contained within this updated section, and a copy is provided to you for your review and use.

This application for a Special Use Permit at this site, contingent upon the receipt of the necessary responses from referral agencies, has been scheduled for a public hearing by the Planning Commission at its May 11, 2023 meeting in Telluride, to be held in person in Telluride and on-line.

Your application, which has been certified complete, will now be sent to the County Manager, County Attorney, County Building Official, County Environmental Health Department, County Road and Bridge Director, County Sheriff, Colorado Parks and Wildlife, Telluride Fire Protection District, and the Grayhead HOA for review and comment. The applicant will be responsible for reimbursing the Planning Department for payment of any professional review fees, both the initial submittal and any subsequent reviews.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice**

(letter and sign to be obtained from the Planning Department) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date. *(Due April 21, 2023)*

The enclosed letter certifying that all surrounding property owners have been mailed notice and sign placed at the property must be submitted to the Planning Department prior to the scheduled meeting date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "John Huebner".

John Huebner
Senior Planner

Attachments: Notice to Property Owners
Mailing List
Applicant Certification FORM



John Huebner <johnh@sanmiguelcountyco.gov>

Re: San Miguel County Planning Agency Referral: Lots 4&5, Golden Ledge Subd Special Use Permit

1 message

Crane - DNR, Kelly <kelly.crane@state.co.us>

Tue, Apr 25, 2023 at 9:03 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>

John-

I don't believe CPW has any comments or recommendations for MOMAS LLC Scenic and Social Special Use Permit. Everything that we would have recommended has already been addressed.

Thank you and please let me know if you need this in a formal letter.

Kelly

On Thu, Apr 6, 2023 at 4:12 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Mark Shambaugh, MOMAS LLC for a Scenic and Social Special Use Permit application proposing weddings and other events with fewer than 200 guests located on a 70-acre property, located north of County Road T60 (Last Dollar Road) off Mountain Flower Drive west of the Town of Telluride Colorado. Please provide comments by April 27, 2023 and let me know if you have any questions.

Best regards,

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



San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan



John Huebner <johnh@sanmiguelcountyco.gov>

Re: San Miguel County Planning Agency Referral: Lots 4&5, Golden Ledge Subd Special Use Permit

1 message

Scott Heidergott <sheidergott@telluridefire.com>
 To: John Huebner <johnh@sanmiguelcountyco.gov>

Thu, Apr 20, 2023 at 9:23 AM

John,

TFPD approval with the following conditions:

Temporary structures shall have a serviceable 2A:20BC portable fire extinguisher for every 400 square feet in plain view with unobstructed access.

All propane tanks shall be secured to a stationary object (tent post, t-post, three or more large tanks may be ratchet strapped to each other, small tanks in milk crates.

Pyrotechnic displays are prohibited.

Minimum sixteen-foot wide access road clear of obstructions at all times.

On Thu, Apr 6, 2023 at 4:12 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Attached for your review and comment is an Application received from Mark Shambaugh, MOMAS LLC for a Scenic and Social Special Use Permit application proposing weddings and other events with fewer than 200 guests located on a 70-acre property, located north of County Road T60 (Last Dollar Road) off Mountain Flower Drive west of the Town of Telluride Colorado. Please provide comments by April 27, 2023 and let me know if you have any questions.

Best regards,

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San Miguel County
East End | Master Plan

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--

**Scott Heidergott**

Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | <http://telluridefire.com/>
 PO Box 1645
 131 West Columbia Avenue
 Telluride, CO 81435

Station: 970-728-3801
 Fax: 970-728-3292

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, email or fax and return the original message to us at the above address via the US Postal Service. We will reimburse any costs you incur in notifying us and returning the correspondence. Thank you.



AGENDA ITEM 4.a

TITLE:

Amending Building Code Sections / MOTION

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[Amendments to the 2018 International Codes_5.1.2023.docx](#)

[Memo MG to CPC RE 2023 Bldg Code Amdenments.docx.pdf](#)

Description:

AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend to read: These regulations shall be known as the Building Code of San Miguel County, hereinafter referred to as “this code.”

101.4.3 Plumbing. Delete in its entirety

101.4.4 Property maintenance. Delete in its entirety

101.4.5 Fire prevention. Delete in its entirety

103.1 Creation of enforcement agency. Amend to read: The San Miguel County Building Department is hereby created and the official in charge thereof shall be known as the Building Official.

104.10.1 Flood hazard areas. Delete in its entirety.

105.2 Work exempt from permit. Amend to read:

Building:

1. One-story, grade-level, detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet (18.58 m²) Such facilities shall not contain electrical, plumbing or mechanical facilities.
14. Buildings or structures used for the sole purposes of providing shelter for agricultural implements, farm products, livestock or poultry. Such facilities shall not contain electrical, plumbing or mechanical facilities. Equine uses are not considered livestock for this agricultural exception.

109.2 Schedule of permit fees. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by San Miguel County Resolution. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by San Miguel County Resolution. Any updated Board of County Commissioner resolution for fees is hereby adopted by reference.

Exceptions:

1. Primary single-family residences with a floor area not exceeding 2,000 square feet shall have the permit fee calculated at 75% of the required fee schedule.
2. The floor area shall exclude unfinished basements, and crawlspaces. Unfinished basements shall be defined as: “A story that is not a story above grade plane, has no electrical, plumbing, or mechanical facilities, including wiring or piping in basement walls or floor.
3. Caretaker units and/or accessory dwelling units shall not be eligible for the reduction in permit fees.
4. Foundations, anchoring, skirting, decks or additions to manufactured homes shall be assessed full fees.

109.4 Work commencing before permit issuance. Amend section to read: Any person who commences work requiring a

permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee of up to three times of the Building Permit Fee that shall be in addition to the required permit fees. The Building Official shall have discretion regarding assessing such fees.

109.6 Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

SECTION 113 Board of Appeals. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

117 CONSTRUCTION MITIGATION. Add Section 115.

R117.1 General. Permits issued for the construction or alteration of a structure shall comply with 117.1 through 117.13 when construction or alteration occurs within 200 feet of an existing structure on an adjacent parcel or when deemed necessary by the Building Official. This Section shall not supersede, replace, amend, or modify State or Federal law and regulations.

117.2 Construction Mitigation Plan (CMP) Required. When a construction mitigation plan is required, the following plans and information shall be submitted to the Building Department as applicable:

1. Laydown/storage areas;
2. Parking areas and trailer storage;
3. Tower crane location and swing radius;
4. Portable toilet locations;
5. Dumpster locations;
6. Bear-proof trash can location;
7. Other information required as required by the Building Official.

117.3 Construction Hours and Noise. Construction activities may occur from 7 am to 6 pm, seven days a week. Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises in general are permitted between the hours of 7 am and 6 pm, Monday through Friday, and between the hours of seven 7 am and 5 pm on Saturdays, and is prohibited on Sundays.

If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, local fire district, local traffic, pedestrians, etc. prior to blasting.

117.4 Site Fencing. All construction sites in unincorporated San Miguel County shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

1. Lots/parcels less than 3 acres, building sites within 200 feet of a property line, or when deemed necessary by the building official for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
2. The fence or barrier shall remain in place until the Building Official has determined that the property is sufficiently secured to prevent a health or safety risk or danger.
3. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public/environmental health and safety.

117.5 Material/Equipment Storage. Construction materials and equipment shall be stored, maintained and secured to prevent safety risk or danger.

117.6 Waste Disposal. Accumulated construction debris that is not recycled shall be hauled away and disposed of in accordance with all applicable laws, on a regular basis when full. In addition:

1. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.
2. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.
3. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed of in dumpsters.

117.7 Portable Toilets. Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official.

117.8 Right-Of-Way Closures. Right-of-Way Closures. A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way to be issued by the San Miguel County Road & Bridge Department. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.

117.9 Parking and Site Access. There is NO parking allowed on County roads or with the County Right-of-Way unless otherwise permitted by San Miguel County Road and Bridge. Realistically sufficient, on property parking locations, shall be designated and made continually available for all craftsmen, laborers, subcontractors, and contractors involved in the site construction process. The County encourages use of public transportation, van pooling and careful staging of subcontractors as a means to eliminate impacts upon the County Right-of-Way. Parking on the County Road and/or Right-of-Way may be permitted pending the approval of a Revocable Right-of-Way permit which may be obtained through the San Miguel County Road and Bridge Department.

117.10 Construction Clean-up of Streets and Sidewalks. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property because of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

117.11 Permission to Use Adjoining or Intervening Properties. No permit issued pursuant to this code shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right-of-entry has been secured from the owner of such property and provided to the Building Official.

117.12 Required Utility Locates. Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth.

117.13 Penalties. In addition to any violations and penalties set forth in the Land Use Code, any violation of this section shall result in the following additional actions being taken:

1. 1st Violation – Documented warning.

2. 2nd – All work must cease until the violation has been cured. Inspection fees will be imposed per currently adopted Building Department fee schedule at the hourly inspection rate to verify compliance.

CHAPTER 16 STRUCTURAL DESIGN

1608.2 Ground snow loads. Amend to read: The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Colorado Design Snow Loads, copyright 2016 by the Structural Engineers Association of Colorado.

1612 FLOOD LOADS. Delete in its entirety.

AMENDMENTS TO THE 2018 INTERNATIONAL RESIDENTAL CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of San Miguel County, and shall be cited as such and will be referred to herein as “this code.”

R103.1 Creation of enforcement agency. The San Miguel County Building Department is hereby created and the official in charge thereof shall be known as the Building Official.

R104.10.1 Flood hazard areas. Delete in its entirety.

R107.3 Temporary Power. Delete in its entirety.

R108.2 Schedule of permit fees. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by San Miguel County Resolution. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by San Miguel County Resolution. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

Exceptions:

1. Primary single-family residences with a floor area not exceeding 2,00 square feet shall have the permit fee calculated at 75% of the required fee schedule.
2. The floor area shall exclude unfinished basements, and crawlspaces. Unfinished basements shall be defined as: “A story that is not a story above grade plane, has no electrical, plumbing, or mechanical facilities, including wiring or piping in basement walls or floor.
3. Caretaker units and/or accessory dwelling units shall not be eligible for the reduction in permit fees.
4. Foundations, anchoring, skirting, decks or additions to manufactured homes shall be assessed full fees.

R108.3 Building permit valuations. Amend Section to read: Building permit valuations shall include total value of the

work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. The valuation of the project shall be derived from an acceptable budget, bona fide contract or determined by comparable area valuations. Final building permit valuation shall be approved by the building official.

R108.5 Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

R108.6 Work commencing before permit issuance. Amend Section to read: Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee of up to three times the required permit fee. Prior to issuance of permit, the penalty fee plus required permit fee shall be paid in full. The Building Official shall have discretion regarding assessing such fees.

R112 BOARD OF APPEALS. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

R115 CONSTRUCTION MITIGATION. Add Section 115.

R115.1 General. Permits issued for the construction or alteration of a structure shall comply with R115.1 through R115.13 when construction or alteration occurs within 200 feet of an existing structure on an adjacent parcel or when deemed necessary by the Building Official. This Section shall not supersede, replace, amend, or modify State or Federal law and regulations.

R115.2 Construction Mitigation Plan (CMP) Required. When a construction mitigation plan is required, the following plans and information shall be submitted to the Building Department as applicable:

8. Laydown/storage areas;
9. Parking areas and trailer storage;
10. Tower crane location and swing radius;
11. Portable toilet locations;
12. Dumpster locations;
13. Bear-proof trash can location;
14. Other information required as required by the Building Official.

R115.3 Construction Hours and Noise. Construction activities may occur from 7 am to 6 pm, seven days a week. Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises in general are permitted between the hours of 7 am and 6 pm, Monday through Friday, and between the hours of seven 7 am and 5 pm on Saturdays, and is prohibited on Sundays.

If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, local fire district, local traffic, pedestrians, etc. prior to blasting.

R115.4 Site Fencing. All construction sites in unincorporated San Miguel County shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

4. Lots/parcels less than 3 acres, building sites within 200 feet of a property line, or when deemed necessary by the building official for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence

faced with green mesh fabric or similar barrier.

5. The fence or barrier shall remain in place until the Building Official has determined that the property is sufficiently secured to prevent a health or safety risk or danger.
6. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public/environmental health and safety.

R115.5 Material/Equipment Storage. Construction materials and equipment shall be stored, maintained and secured to prevent safety risk or danger.

R115.6 Waste Disposal. Accumulated construction debris that is not recycled shall be hauled away and disposed of in accordance with all applicable laws, on a regular basis when full. In addition:

4. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.
5. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.
6. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed of in dumpsters.

R115.7 Portable Toilets. Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official.

R115.8 Right-Of-Way Closures. Right-of-Way Closures. A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way to be issued by the San Miguel County Road & Bridge Department. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.

R115.9 Parking and Site Access. There is NO parking allowed on County roads or with the County Right-of-Way unless otherwise permitted by San Miguel County Road and Bridge. Realistically sufficient, on property parking locations, shall be designated and made continually available for all craftsmen, laborers, subcontractors, and contractors involved in the site construction process. The County encourages use of public transportation, van pooling and careful staging of subcontractors as a means to eliminate impacts upon the County Right-of-Way. Parking on the County Road and/or Right-of-Way may be permitted pending the approval of a Revocable Right-of-Way permit which may be obtained through the San Miguel County Road and Bridge Department.

R115.10 Construction Clean-up of Streets and Sidewalks. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property because of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

R115.11 Permission to Use Adjoining or Intervening Properties. No permit issued pursuant to this code shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right-of-entry has been secured from the owner of such property and provided to the Building Official.

R115.12 Required Utility Locates. Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth.

R115.13 Penalties. In addition to any violations and penalties set forth in the Land Use Code, any violation of this section shall result in the following additional actions being taken:

1. 1st Violation – Documented warning.
2. 2nd – All work must cease until the violation has been cured. Inspection fees will be imposed per currently adopted Building Department fee schedule at the hourly inspection rate to verify compliance.

CHAPTER 3 BUILDING PLANNING

Table R301.2(1) Climatic and Geographic Design Criteria. Amend Table to read:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Windborn debris zone		Weathering	Frost line depth	Termite				
Refer to ASCE 7 or Colorado Design Snow Loads, SEAC 2016	115 (see footnote "a" below)	NO	NO	NO	C	Severe	See footnote "b" below	Consult pest management professional	-6 F	YES	2000	40 degrees F

- a. Exposure C will be assumed unless otherwise noted on sealed construction drawings prepared by a licensed engineer.
- b. If elevation is $x < 7000'$, then 24" from grade to B.O.F; if elevation $7000' < x < 7500'$, then 36 " from grade to B.O.F; if elevation is $x > 7500'$, then 48' inches from grade to B.O.F.

R311.2. Egress door. Add the following Section:

R311.2.1. Exterior doors shall be provided with protection to prevent, divert, or minimize ice and snow from shedding on to a 3 ft. x 3 ft. entry area.

R313.2 One-and two-family dwellings automatic fire systems. Amend Section to read: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings. Floor area calculations for purposes of this

section shall be defined as the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features, attached garages, unfinished basements, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above.

Exceptions:

1. Single-family dwellings less than 3,600 square feet, including attached garages and carports enclosed on two or more sides, shall not be required to be equipped with a fire sprinkler system.
2. Two-family dwellings that have an aggregate square footage of less than 3,600 square feet, including attached garages and carports enclosed on two or more sides, shall not be required to be equipped with a fire sprinkler system.

Where there is a conflict between the provisions of this code and the code of the fire protection district in which the permit is issued, the more stringent of the two shall apply.

R322 FLOOD RESISTANT CONSTRUCTION. Delete section in its entirety (refer to San Miguel County Land Use Code for floodplain requirements).

R328 WILDFIRE RESISTANT CONSTRUCTION. Add Section R328. Where there is a conflict between the provisions of this code, the code of the fire protection district in which the permit is issued, or any other applicable State of Colorado law, the more stringent shall apply.

R328.1 General. All new construction, additions, or alterations shall comply with R328.2 through R328.8.

R328.1.1 Ignition-resistant building material. Ignition-resistant building materials shall comply with any one of the following:

1. Material shall be tested on all sides with the extended ASTM E84 (UL 723) test or ASTM E2768, except panel products shall be permitted to test only the front and back faces. Panel products shall be tested with a ripped or cut longitudinal gap of $\frac{1}{8}$ inch (3.2 mm). Materials that, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723 for a test period of 30 minutes, or with ASTM E2768, comply with the following:

1.1 Flame spread. Material shall exhibit a flame spread index not exceeding 25 and shall not show evidence of progressive combustion following the extended 30-minute test.

1.2 Flame front. Material shall exhibit a flame front that does not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the extended 30-minute test.

1.3 Weathering. Ignition-resistant building materials shall maintain their performance in accordance with this section under conditions of use. Materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in the following standards, as applicable to the materials and the conditions of use:

1.3.1 Method A "Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing" in ASTM D2898, for fireretardant-treated wood, wood-plastic composite and plastic lumber materials.

1.3.2 ASTM D7032 for wood-plastic composite materials. 1.3.3 ASTM D6662 for plastic lumber materials.

1.4 Identification. Materials shall bear identification showing the fire test results. Exception: Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch (0.48 mm) thickness or corrosion-resistant steel at a minimum 0.0149 inch (0.38 mm) thickness shall not be required to be tested with a ripped or cut longitudinal gap.

2. Noncombustible material. Material that complies with the requirements for noncombustible materials in Section 202:

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1.1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.

1.2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over ¼ inch (3.2 mm) thick, which has a flame spread index of 50 or less. Flame spread index as used herein refers to a flame spread index obtained according to tests conducted as specified in ASTM E84 or UL 723.

3. Fire-retardant-treated wood. Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

4. Fire-retardant-treated wood roof coverings. Roof assemblies containing fire-retardant-treated wood shingles and shakes that comply with the requirements of Section 1505.6 of the International Building Code and classified as Class A roof assemblies as required in Section 1505.2 of the International Building Code.

5. Heavy Timber. Heavy timber meeting the requirements of Section 2304.11 of the International Building Code.

R328.2 Deck Joists. Wood deck joists, blocking, ledgers, and flush beams/girders, shall be capped with metal flashing or an *approved* fire-resistant material.

R328.3 Decking. Decking members shall be spaced greater than ¼ inch (6.4 mm) but not more than 1 inch (25.6 mm) from one another and shall be of non-combustible material or an approved ignition-resistant material.

R328.4 Space below decks and shed roofs/attached canopies. The space below decks attached to a structure shall comply with one of the following:

1. Decks shall be enclosed with an approved skirting material on all sides with a maximum spacing from grade to skirting of one inch.
2. Decks shall be constructed of approved ignition resistant materials and have a concrete or masonry sweepable surface below.

R328.5 Roofing covering. Roofs shall have a roof assembly that complies with not less than a Class B rating when tested in accordance with ASTM E108 or UL 790, or an approved ignition-resistant roof covering. For roofcoverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.

R328.6 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with *noncombustible* corrosion-resistant mesh with openings not to exceed 1/8 inch or shall be designed and *approved* to prevent flame or ember penetration into the structure.

R328.7 Protection of eaves/soffits. Combustible eaves, fascia and soffits shall be enclosed with solid materials with a minimum thickness of 3/4 inch (19 mm) or an *approved* ignition-resistant material. Exposed rafter tails shall not be permitted unless constructed of heavy timber materials.

R328.8 Detached accessory structures. All detached accessory structures shall comply with R328.1 through R328.8 and shall be constructed with ignition-resistant exterior wall covering. Such material shall extend from the top of the foundation to the underside of the roof sheathing.

CHAPTER 10 CHIMNEYS AND FIREPLACES

R1004.4 Unvented gas log heaters. Amend Section and Section title to read: **Vented and unvented gas log heaters.** Vented and unvented gas log heaters (log sets) shall be prohibited.

R1004.6 Factory-built gas fireplaces. Add Section R1004.6: All factory-built gas fireplaces shall be sealed units.

CHAPTER 11 ENERGY EFFICIENCY

N1101.13 (R401.2) Compliance. Amend Section to read: Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as “Mandatory.”
3. The energy rating index (ERI) approach in Section N1106. Projects shall provide a preliminary design in which one of the two are modeled:
 - A maximum design score of 61 *without* including offsetting means through onsite renewable energy.
 - A maximum design score of 55 that includes offsetting means through onsite renewable energy.

N1101.13.1 (R401.2.1) Required ERI approach. All of the following are required to comply with N1101.13, item 3. Floor area calculations for purposes of this section shall be defined as the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features, attached garages, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above:

1. New single-family dwellings whose floor area is 3,600 square feet or greater.
2. New two-family dwellings whose aggregate floor area is 4,000 square feet or greater.
3. New townhomes.

N1101.15 (R401.4) Renewable Energy Mitigation Program (Mandatory). Add Section N1101.15 (R401.4) to read: San Miguel County's Renewable Energy Mitigation Program (REMP) is designed to help offset the effects of outdoor energy consumption that contribute to the effects of greenhouse gas emissions. The provisions of REMP shall be applied as follows:

N1101.15.1 (R401.4.1) Scope. Energy used to power hydronic snowmelt systems, factory-built and site-built spas located on the exterior, pools located on the exterior, and heated garages for all new residences, accessory structures, commercial facilities, alterations, and additions shall be mitigated through REMP and shall comply with N1101.15.1 through.

N1101.15.1.1 (R401.4.1.1) Snowmelt. All snowmelt anywhere on the property shall be offset by REMP. All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC. Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.

Exceptions:

1. **Single-family development:** 200 square feet of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.
2. **Multi-family, mixed use, accessory use, and commercial development:** 100 square feet plus 25 square feet per dwelling unit of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.
3. **Two-family residences and townhomes:** 50 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

Definition of Exempt Snow-Melt Area: Tubing installed to melt snow on a surface intended to remove snow from the walkable or drivable area shall be measured by the size of the entire potentially snow-melted area. For example, if a 10 ft. x 20 ft. deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.

N1101.15.1.2 (R401.4.1.2) Spas. All spas located on the exterior of a building shall be offset by REMP. Exterior heated spas must comply with the currently adopted Energy Codes.

N1101.15.1.3 (R401.4.1.3) Exterior Pools. All pools located on the exterior of a building shall be offset by REMP. Exterior heated swimming pools must comply with the currently adopted Energy Codes.

N1101.15.1.4 (R401.4.1.4) Heated Garages. All heated garages shall be offset by REMP. Heated garages must comply with the currently adopted Energy Codes. All heated exterior garage portal doors shall have a minimum R-value of R-18. The blower door test required as per IRC Section N1102.4.1.2 and IECC Section R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

N1101.15.2 (R401.4.2) Energy Use Calculation. The total exterior energy use that must be mitigated with renewable energy or payment made as a payment in-lieu as allowed in these regulations will be calculated by the owner/agent and verified by the County Building Official using the San Miguel County REMP Worksheet ("Worksheet"). The Worksheet is attached at end of IRC amendments as Appendix Z

and a fillable version can also be found at www.sanmiguelcountyco.gov/building. The Worksheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions as calculated by Resource Engineering Group (2013). The Worksheet will be updated regularly according to market fluctuations and may be amended by resolution.

N1101.15.2.1 (R401.4.2.1) Renewable Energy Credit Calculation. Mitigation of outdoor energy use may be achieved by onsite renewable energy systems approved by the Building Official. The payment in lieu shall be calculated using the Worksheet.

N1101.15.2.1.1 (R401.4.2.1.1) Alternative technology. As new technology or other offsite renewable energy projects develop, they may also be considered as approved mitigation systems by the Building Official.

N1101.15.2.1.2 (R401.4.2.1.2) Combination of measures. If the amount of renewable energy capable of being produced onsite by one system is not sufficient to mitigate exterior energy use as outlined, a combination of renewable energy methods may be used as approved by the Building Official.

N1101.15.2.2 (R401.4.2.2) Payment in-lieu. If preferred by the property owner, the owner may make a one-time payment to San Miguel County in-lieu of providing onsite mitigation by a County approved renewable energy system. San Miguel County may also accept partial payment in lieu from the affected property owner when only partial onsite mitigation of exterior energy use occurs. The owner shall make payment prior to receiving the building permit. The payment in-lieu shall be calculated using the Worksheet.

N1101.15.2.2.1 (R401.4.2.2.1) Appropriation of Funds. All REMP payments in lieu received by the County shall be deposited into a separate fund called the “San Miguel County Energy Fund” (Fund). All monies deposited into such Fund shall be used solely within San Miguel County for the purposes of:

1. funding capital expenses associated with purchase, installation, and/or construction of renewable energy or energy conservation facilities;
2. and/or funding projects that help to mitigate greenhouse gas emissions.

The Board of County Commissioners shall approve expenditures from the Fund after receiving recommendations from the County staff and the County Manager.

N1101.15.3 (R401.4.3) Approved Renewable Energy Systems. All renewable energy systems proposed as a means of exterior energy use mitigation must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an onsite or offsite system. Review of the system by a County engineering consultant, if needed, will be at the expense of the owner.

N1101.15.3.1 (R401.4.3.1) Perpetuity of onsite mitigation. Onsite renewable energy systems provided to mitigate exterior energy are required to be maintained and operated for the lifetime of the structure, through a written agreement with the property owner and a covenant on the property.

N1101.15.3.2 (R401.4.3.2) Off-site Mitigation. Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement:

1. the system is legally tied to the property using exterior energy use with the inability to transfer to another property;
2. the County, at any time, can verify through audits that the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the County's ability to access renewable energy utility information.

N1102.1 (R402.1) General (Prescriptive). Amend "Exceptions" Item 2 as follows:

Exceptions:

2. Log homes designed in accordance with ICC-400 with glazing to floor area ratio of 18% or less and passing air leakage test demonstrating 3ACH 50 or less.

N1103.9 (R403.9) Snow melt system controls (Mandatory). Amend Section to read: Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when precipitation is not falling, and an automatic control that will allow shutoff when the outdoor temperature is greater than 40°F (4.8°C).

N1103.13 (R403.13) Outdoor heating equipment (Mandatory). Add Section to read: All outdoor space heating equipment supplied through energy service to the building such as, but not limited to, fire pits, heaters, fireplaces, etc., shall be equipped with 60-minute automatic shutoff timers.

N1106.3 (R406.3) Energy rating index. Amend Section to read: The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. [~~STRIKE ERI reference design ventilation rate Equation 11-1~~].

N1106.4 (R406.4) ERI-based compliance. Compliance based on an ERI analysis requires that the *rated design* be shown to have an ERI less than or equal to the appropriate value indicated in Table N1106.4 when compared to the *ERI reference design*.

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX. Amend Table as follows:

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX ^a
6	61 without onsite renewable energy in model; 55 with onsite renewable energy in model

[~~STRIKE~~ footnote a]

N1107.2 (R501.2) Existing buildings. Except as specified in this chapter *or by other locally enforced law, ordinance, resolution, or code*, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing *building* or *building* system lawfully in existence at the time of adoption of this code.

CHAPTER 24 FUEL GAS

G2406.2 (303.3) Prohibited locations. Delete exception 3 and 4.

G2425.8 (501.8) Appliances not required to be vented. Delete exception 7.

G2432.1 (602.1) General. Amend Section to read: Decorative appliances for installation in approved solid fuel-burning fireplaces shall be prohibited.

G2445.1 (621.1) General. Amend Section to read: Unvented room heaters shall be prohibited. Sections G2445.2 through

G2445.7 and G2445.7.1 are hereby deleted.

APPENDIX E – MANUFACTURED HOUSING USED AS DWELLINGS – Adopt entire appendix.

APPENDIX F – RADON CONTROL METHODS – Adopt entire appendix.

APPENDIX H – PATIO COVERS – Adopt entire appendix.

APPENDIX Q – TINY HOUSES – Adopt entire appendix.

APPENDIX R – LIGHT STRAW-CLAY CONSTRUCTION – Adopt entire appendix.

APPENDIX S – STRAWBALE CONSTRUCTION – Adopt entire appendix.

APPENDIX T – SOLAR-READY PROVISIONS – DETACHED ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES – Adopt entire appendix.

APPENDIX Z – San Miguel County REMP Worksheet – Adopt worksheet as referenced in N1101.15.2 (R401.4.2) and as attached below:

San Miguel County REMP Worksheet

Instructions:

Fill in all grey cells that are relevant to your project in order to calculate mitigation measures. Go to Project Checklist (see tabs at bottom of page) and complete this form. **Submit REMP Calculation & Project Checklist with your signature and check madeout to "San Miguel County" for the Energy Mitigation Fee, if required.** Complex systems using heat recovery strategies may apply for alternative calculation methods.

Project Information:		Equipment Information:		
			Select Type	Efficiency
Name:	SMC Project	Building Heater type:	Gas	95%
Address:	Project Address	Hot Tub Heater Type:	Gas	90%
Town/County:	San Miguel County	Pool Heater Type:	Gas	90%

Exterior Energy Use

Type of use	sq. ft.	Efficiency	kBtu/yr	Lbs CO ₂ /yr
Snowmelt	0	95%	0	0
Hot Tub (built on sit	0	90%	0	0
Pool	0	90%	0	0
Total Carbon Usage				0

Garage Energy Use (For heated garages only)

	sq. ft.	Efficiency	kBtu/yr	Lbs CO ₂ /yr
Total Garage Size	0	95%	0	0
Total Carbon Usage				0

Exterior Spa (Factory Built Portable) Energy Use

Model	Standby Watts @60 deg F (W/hr)	Standby Watts@ 40 deg F (W/hr)	Annual Standby Energy (kW/yr)	Lbs CO ₂ /yr
Spa Model	0	0	0	0
Average spa	205	316	2768	4346
Total Carbon Usage				0

Renewable Energy Production Credit (on-site)

Type of use	Installed capacity	kBtu/yr	Lbs CO ₂ /yr
Solar Electric (PV) (kW)	0.0	0	0
Solar Hot Water (sq ft of panel or tubes	0.0	0	0
Wind Generation (on-site) (kW)	0.0	0	0
Total Carbon Reduction			0

Off-Site Renewable Energy

Type of use	Installed capacity	kBtu/yr	Lbs CO ₂ /yr
Solar Electric (PV) (kW)	0.0	0	0
Total Carbon Reduction			0

Snowmelt, hot tubs, pools, spas & heated garages

Net Carbon EmissionsCarbon	0	Lbs CO ₂ /yr
Mitigation Rate Mitigation Percentage	\$1.39	\$/Lbs CO ₂
Required	100%	
Carbon Mitigation Fee	\$0	

Innovatively Engineered Energy Efficient Systems

Alternate Engineered Design kBtu/yr	0	kBtu/yr
Engineered Design Carbon Emissions	0	Lbs CO ₂ /yr
Reduction in Carbon Emissions	0	Lbs CO ₂ /yr
Carbon Mitigation Rate	\$1.39	\$/Lbs CO ₂
Mitigation Percentage RequiredCarbon	100%	
Mitigation Fee Reduction	\$0	
Total Carbon Mitigation Fee		\$0

Name:	SMC Project
Signature:	Date:

AMENDMENTS TO THE 2018 INTERNATIONAL MECHANICAL CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Mechanical Code of San Miguel County, hereinafter referred to as “this code.”

106.5.1 Work commencing before permit issuance. Amend Section to read: Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to 300 percent of the usual permit fee in addition to the required permit fees.

106.5.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

106.5.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

108.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

108.5 Stop work orders. Amend Section to read: Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 109 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

AMENDMENTS TO THE 2018 INTERNATIONAL FUEL GAS CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Fuel Gas Code of San Miguel County, hereinafter referred to as “this code.”

106.6.1 Work commencing before permit issuance. Amend Section to read: Any person who commences work on an installation before obtaining the necessary permits shall be subject to 300 percent of the usual permit fee in addition to the required permit fees.

106.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations

requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

106.6.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

108.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

108.5 Stop work orders. Amend Section to read: Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 109 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

CHAPTER 3 GENERAL REGULATIONS

303.3 Prohibited locations. Delete exception 3 and 4.

CHAPTER 5 CHIMNEYS AND VENTS

501.8 Appliances not required to be vented. Delete exception 8.

CHAPTER 6 SPECIFIC APPLIANCES

602.1 General. Amend Section to read: Decorative appliances for installation in approved solid fuel-burning fireplaces shall be prohibited.

621.1 General. Amend Section to read: Unvented room heaters shall be prohibited. Sections 621.2 through 621.7 and 621.7.1 are hereby deleted.

AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE

C101.1 AND R101.1 Title. Amend Sections to read: These regulations shall be known as the Energy Conservation Code of San Miguel County, hereinafter referred to as "this code."

SECTIONS C109 and R109 Means of Appeal. Delete Sections in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

APPENDIX CA "SOLAR-READY ZONE – COMMERCIAL. Appendix CA is hereby adopted.

R401.2 Compliance. Amend Section to read: Projects shall comply with one of the following:

1. Sections R401 through R404.
2. Section R405 and the provisions of Sections R401 through R404 indicated as “Mandatory.”
3. The energy rating index (ERI) approach in Section R406. Projects shall not include onsite renewable energy systems in their preliminary rating design and score. Projects shall provide a preliminary design in which one of the two are modeled:
 - a. A maximum design score of 61 *without* including offsetting means through onsite renewable energy.
 - b. A maximum design score of 55 that includes offsetting means through onsite renewable energy.

R401.2.1 Required ERI approach. All of the following are required to comply with R401.2, item 3. Floor area calculations for purposes of this section, the floor area, measured in square feet, shall include unfinished basements, attached garages, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above:

1. New single-family dwellings whose floor area is 3,600 square feet or greater.
2. New two-family dwellings whose aggregate floor area is 4,000 square feet or greater.
3. New townhomes.

R401.4 Renewable Energy Mitigation Program (Mandatory). Add Section R401.4 to read: San Miguel County’s Renewable Energy Mitigation Program (REMP) is designed to help offset the effects of outdoor energy consumption that contribute to the effects of greenhouse gas emissions. The provisions of REMP shall be applied as follows:

R401.4.1 Scope. Energy used to power hydronic snowmelt systems, factory-built and site-built spas located on the exterior, pools located on the exterior, and heated garages for all new residences, accessory structures, commercial facilities, alterations, and additions shall be mitigated through REMP and shall comply with R401.4.1.1 through R401.4.1.4.

R401.4.1.1 Snowmelt. All snowmelt anywhere on the property shall be offset by REMP. All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC. Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.

Exceptions:

1. Single-family development: 200 square feet of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.
2. Multi-family, mixed use, accessory use, and commercial development: 100 square feet plus 25 square feet per dwelling unit of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.

3. Two-family residences and townhomes: 50 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

Definition of Exempt Snow-Melt Area: Tubing installed to melt snow on a surface intended to remove snow from the walkable or drivable area shall be measured by the size of the entire potentially snow-melted area. For example, if a 10 ft. x 20 ft. deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.

R401.4.1.2 Spas. All spas located on the exterior of a building shall be offset by REMP. Exterior heated spas must comply with the currently adopted Energy Codes.

R401.4.1.3 Exterior Pools. All pools located on the exterior of a building shall be offset by REMP. Exterior heated swimming pools must comply with the currently adopted Energy Codes.

R401.4.1.4 Heated Garages. All heated garages shall be offset by REMP. Heated garages must comply with the currently adopted Energy Codes. All heated exterior garage portal doors shall have a minimum R-value of R-18. The blower door test required as per IRC Section N1102.4.1.2 and IECC Section R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

R401.4.2 Energy Use Calculation. The total exterior energy use that must be mitigated with renewable energy or payment made as a payment in-lieu as allowed in these regulations will be calculated by the owner/agent and verified by the County Building Official using the San Miguel County REMP Worksheet ("Worksheet"). The Worksheet is attached at end of IRC amendments as Appendix Z and a fillable version can also be found at www.sanmiguelcountyco.gov/building. The Worksheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions as calculated by Resource Engineering Group (2013). The Worksheet will be updated regularly according to market fluctuations and may be amended by resolution.

R401.4.2.1 Renewable Energy Credit Calculation. Mitigation of outdoor energy use may be achieved by onsite renewable energy systems approved by the Building Official. The payment in lieu shall be calculated using the Worksheet.

R401.4.2.1.1 Alternative technology. As new technology or other offsite renewable energy projects develop, they may also be considered as approved mitigation systems by the Building Official.

R401.4.2.1.2 Combination of measures. If the amount of renewable energy capable of being produced onsite by one system is not sufficient to mitigate exterior energy use as outlined, a combination of renewable energy methods may be used as approved by the Building Official.

R401.4.2.2 Payment in-lieu. If preferred by the property owner, the owner may make a one-time payment to San Miguel County in-lieu of providing onsite mitigation by a County approved renewable energy system. San Miguel County may also accept partial payment in lieu from the affected property owner when only partial onsite mitigation of exterior energy use occurs. The

owner shall make payment prior to receiving the building permit. The payment in-lieu shall be calculated using the Worksheet.

R401.4.2.2.1 Appropriation of Funds. All REMP payments in lieu received by the County shall be deposited into a separate fund called the “San Miguel County Energy Fund” (Fund). All

monies deposited into such Fund shall be used solely within San Miguel County for the purposes of:

1. funding capital expenses associated with purchase, installation, and/or construction of renewable energy or energy conservation facilities;
2. and/or funding projects that help to mitigate greenhouse gas emissions.

The Board of County Commissioners shall approve expenditures from the Fund after receiving recommendations from the County staff and the County Manager.

R401.4.3 Approved Renewable Energy Systems. All renewable energy systems proposed as a means of exterior energy use mitigation must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an onsite or offsite system. Review of the system by a County engineering consultant, if needed, will be at the expense of the owner.

R401.4.3.1 Perpetuity of onsite mitigation. Onsite renewable energy systems provided to mitigate exterior energy are required to be maintained and operated for the lifetime of the structure, through a written agreement with the property owner and a covenant on the property.

R401.4.3.2 Off-site Mitigation. Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement:

1. the system is legally tied to the property using exterior energy use with the inability to transfer to another property;
2. the County, at any time, can verify through audits that the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the County's ability to access renewable energy utility information.

R402.1 General (Prescriptive). Amend "Exceptions" Item 2 as follows:

Exceptions:

2. Log homes designed in accordance with ICC-400 with glazing to floor area ratio of 18% or less and passing air leakage test demonstrating 3ACH 50 or less.

R403.9 Snow melt system controls (Mandatory). Amend Section to read: Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when precipitation is not falling, and an automatic control that will allow shutoff when the outdoor temperature is greater than 40°F (4.8°C).

R403.13 Outdoor heating equipment (Mandatory). Add Section to read: All outdoor space heating equipment supplied through energy service to the building such as, but not limited to, fire pits, heaters, fireplaces, etc., shall be equipped with 60-minute automatic shutoff timers.

R406.3 Energy rating index. Amend Section to read: The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. [~~STRIKE ERI reference design ventilation rate Equation 11-1~~].

R406.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value indicated in Table R406.4 when compared to the ERI reference design.

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX. Amend Table as follows:

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX ^a
6	61 without onsite renewable energy in model 55 with onsite renewable energy in model

[STRIKE footnote a]

APPENDIX RA “SOLAR-READY PROVISIONS – DETACHED ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES.
Appendix RA is hereby adopted.

AMENDMENTS TO THE 2018 INTERNATIONAL EXISTING BUILDING CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Existing Building Code of San Miguel County, hereinafter referred to as “this code.”

105.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

112 Board of Appeals. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

113.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

AMENDMENTS TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Swimming Pool and Spa Code of San Miguel County, hereinafter referred to as “this code.”

105.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is

hereby incorporated by reference.

105.6.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

107.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

107.5 Stop work orders. Amend Section to read: Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 108 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).



SAN MIGUEL COUNTY BUILDING DEPARTMENT

MATT GONZALES

BUILDING OFFICIAL

MEMORANDUM

TO: SMC Planning Commission

CC: Kaye Simonson, Planning Director
Amy Markwell, County Attorney
Mike Bordogna, County Manager

FROM: Matt Gonzales, SMC Building Official 

DATE: 5 May 2023

RE: Minor Revisions and Additions to 2018 International Codes

The San Miguel County Building Department is proposing some minor revisions and additions to our currently adopted building code cycle. We are currently working under the provisions of the 2018 I-codes:

- International Building Code;
- International Residential Code and appendices E, F, H, Z;
- International Mechanical Code;
- International Fuel Gas Code;
- International Energy Conservation Code;
- International Existing Building Code;

When a jurisdiction adopts a building code, that jurisdiction has the authority to make changes or customize the code through amendments. In addition to the currently adopted amendments to the 2018 I-codes, we are proposing to incorporate the following changes and ideas into our code:

- Solar-ready provisions for residences and commercial buildings when certain criteria are present;
- Refine some language surrounding wildfire-resistant construction code including a definition of the term “ignition-resistant;”
- Incorporate construction mitigation code for maintaining organized/safe job sites;
- Change some square footage thresholds to match LUC thresholds;
- Clarify which ventilation rate shall be used in calculation of ERI/HERS modeling and lower maximum ERI/HERS score from 61 to 55 when using solar as a part of the design.
- Adopt IRC appendices Q (provisions for “tiny houses”), R (provisions for light straw-clay construction), S (provisions for strawbale construction), T (solar ready provisions for

residences).

We are recommending that the BOCC vote to approve these changes prior to July 1, 2023. After that date, if a jurisdiction amends or adopts a building code, Colorado state law (HB22-1362) will require that jurisdiction to adopt the 2021 International Energy Conservation Code and the CEO Energy Board's solar-ready/EV-ready code. While the Building Department is supportive of the BOCC's goals regarding climate resiliency and reduction in carbon footprint, we also consider the importance of regional coordination and clarity when serving our building communities and residents; for the first time possibly ever, all five local jurisdictions will be on the 2018 I-code cycle by July 2023.

We ask the County Planning Commission review these changes and prepare any questions or considerations for the May 11th meeting in which the Building Official will lead a discussion. After the discussion, we ask that you'd make a motion to recommend the approval of these amendments by the BOCC.

Thanks for your time and consideration.