

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

May 11, 2023

Online Meeting

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

Absent: M.J. Schillaci, Secretary
Galena Gleason, Alternate

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

County Staff Present: Matt Gonzales, Building Official
Amy Markwell, County Attorney
Rachel Allen, Assistant County Attorney
Nancy Hrupcin, Legal Assistant

9:00 a.m. Site Visit Cancelled Due to bad weather

10:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by Tobin Brown to approve the April 20, 2023 minutes with direction to staff to verify the vote tallies.

SECONDED by Ian Bald **PASSED 4-0**

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

PLANNING COMMISSION AND STAFF COMMENTS

- RFQ to update the Land Use Code for Natural Resources. There have been two responses and interviews are scheduled. Kaye Simonson, Planning Director asked for a Planning Commission member to serve on the RFQ panel. Josselin Lifton-Zoline volunteered.
- Design Workshop is working on the East End Master Plan draft. There will be a joint meeting with the EEMP Advisory Committee and Planning Commission on June 8.
- The State Legislature did not pass the housing bill, so there are no mandates for a regional housing needs assessment. SMC may want to budget for this in the future.

- There will be a community meeting in Norwood regarding a potential Solar Farm development in Norwood on May 16 at 7:00 p.m. It would connect to Tri-State, not SMPA. There currently is no application.

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

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

John Huebner, Senior Planner, presented the application from Mark Shambaugh, General Manager of MOMAS LLC for a Special Use Permit for Social and Scenic Uses to allow Weddings and Special Events on his property. 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. They are proposing 3 major events from June 1- Oct 1 with two hundred (200) guests or fewer. There will be tents temporarily set up for each event. Guests will be shuttled, with no personal vehicles, to mitigate traffic impacts.

The commission discussed if the conditions were the same as the other SUPs in the area.

The applicant, Mark Shambaugh, spoke of being sensitive to the vegetation in the area, and that tents will come down after each separate event. The Commission discussed the visual impacts of tents; and access for fire services. The Commission recommended an annual review to discuss impacts on the area.

10:30 a.m. Matt Bayma joined the meeting

10:43 a.m. Chair opened Public Comment

Ashley Story – concerned past events were larger than 200 people. Asked about cumulative effects of three events in the area on one weekend.

10:47 a.m. Closed Public Comment

In response to Ashley's comments, Mark stated he was willing to communicate with her regarding the scheduling of events.

There was a discussion of Building requirements for a temporary structure such as a tent. If the structure is up for more than 180 days, that triggers a different Building Code standard. The applicant would need a Building Permit, even for a temporary structure, each time a tent is put up. The Commission was in favor of the least burdensome process possible for permitting.

MOTION by Josselin Lifton-Zoline 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.
- 32 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 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. 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 ongoing annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

SECONDED by Tobin Brown

There was additional discussion about rental tents broken down after each event. The tent would not be up for more than three days.

AMENDMENT by Lee Taylor for the "removal of a temporary structure in a reasonable time".

AMENDMENT ACCEPTED by Josselin and Toby **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	<u>Absent</u>

BUILDING CODE AMENDMENT RECOMMENDATION

Colorado Revised Statutes say that amendments to the Building Code need a recommendation from the County Planning Commission.

Matt Gonzales, Building Official gave the background that the County is using the 2018-I Code currently, as are the other four jurisdictions. State law says that any amendments after July 1 would trigger adopting the 2021 Energy Code. While we will eventually move to that code, SMC and the other jurisdictions are currently all operating under the 2018 standards. So, it makes sense to add these amendments to the code now, prior to the July 1 deadline. Matt outlined the recommended changes that have been reviewed and discussed with the Board of Review.

- Solar-ready provisions to retrofit buildings for solar panels when certain criteria are present
- Refine some language surrounding wildfire-resistant construction code
- Construction mitigation measures for maintaining organized and safe job sites.
- Square footage thresholds to align with the LUC's 2000 s.f. threshold for impact fees.
- Clarifying ventilation rate when calculating ERI/HERS scores
- Appendix Q addressing Tiny Homes. There is state legislation coming up that will make a tiny home more like a modular/mobile home with a plaque on the house identifying compliance for code standards.
- Appendix R & S giving more options to use straw-clay construction.

11:31 a.m. Open to Public Comment

11:32 a.m. Closed Public Comment

MOTION by Tobin Brown to recommend to the Board of County Commissioners to approve the Building Code Amendments as outlined in Matt Gonzales' memo.

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

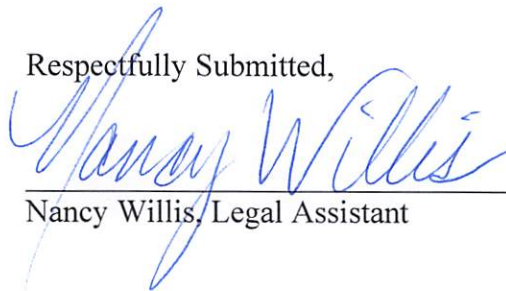
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay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

EAST END MASTER PLAN UPDATE

- Update of survey results on website.
- 75% of plan draft should be done and on the website by end of June, followed up by some community events.
- June meeting will be a joint CPC and EEMP Advisory Group meeting.

11:40 a.m. Adjourned.

Respectfully Submitted,



Nancy Willis, Legal Assistant

Approved on 5/11, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION



M.J. Schillaci, Secretary